UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/9
15 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

Item 6 of the provisional agenda

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL REGIONAL AND NATIONAL LEVELS

Report of the Expert Seminar on Racism, Refugees and Multi-Ethnic States

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report on the Expert Seminar on Racism, Refugees and Multi-Ethnic States, held in Geneva from 6 to 8 December 1999.

ANNEX

Report on the Expert Seminar on Racism, Refugees and Multi-Ethnic States
(Geneva, 6-8 December 1999)

Chairperson-Rapporteur: Mr. Asbjørn Eide

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Introduction

1. In the context of the Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (General Assembly resolution 49/146, annex, para. 7 (h)). The Assembly requested the Secretary-General to organize a "seminar on flows of refugees resulting from ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition and their link to racism in the host country". In paragraph 65 (b) of its resolution 1999/78, the Commission on Human Rights requested the High Commissioner to encourage other activities, particularly seminars forming part of the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to submit the recommendations of these seminars to the Preparatory Committee.

2. In accordance with the above, the Expert Seminar on Racism, Refugees and Multi-Ethnic States was held from 6 to 8 December 1999 in Geneva.

3. The movement of refugees and forcibly displaced persons has become a dramatic sign of our times. In the last few years, the number of such persons has reached an unprecedented magnitude. The Office of the United Nations High Commissioner for Refugees (UNHCR) has estimated that some 50 million persons are currently victims of forced displacement. Of the approximately 22 million persons being assisted by UNHCR, only about 13 million are refugees in the conventional sense. UNHCR assists a variety of different groups: internally displaced and war-affected populations; asylum-seekers; stateless persons and others whose nationality is disputed; as well as "returnees" who are refugees and internally displaced persons who have been able to go back to their homes, but who still require some support from the international community.

4. The international community has acknowledged that the refugee crisis is a human rights tragedy which requires urgent attention. Many refugees are forced to leave their country or community of origin because of well-founded fear of persecution for reasons of their race, ethnicity or nationality. Ethnic conflicts today are a major source of mass exoduses, whether these occur within a State or across borders. States under pressure from their own populations are showing increasing reluctance to host refugees. Faced with xenophobia and various forms of discrimination, refugees are often caught in a vulnerable situation both at home and in the host country.

5. The purpose of the Expert Seminar on Racism, Refugees and Multi-Ethnic States was to examine racism and ethnic conflicts as among the root causes of refugee crises; to find ways and means to stop the expansion of racism and ethnic conflicts in order to prevent refugee flows; to examine how better protection of vulnerable groups within the States concerned might be ensured; and to protect the rights of refugees within host countries. The seminar was attended by five invited experts (Professor Pita Agbese, Mr. Ivan Garvalov, Mr. Peter Nobel, Mr. Kallu Kalumiya and Professor Mario Jorge Yutzis) who had prepared background papers on the respective agenda items (see appendix I); several other experts invited in their personal capacity; observers for States Members of the United Nations; representatives of United Nations bodies and specialized agencies; and representatives intergovernmental, non-governmental and other organizations. The list of participants is presented in appendix II to this report.

6. Following the presentation of the background papers prepared by the five experts and the discussion of the various issues of racism, refugees and multi-ethnic States raised by the papers, the participants presented and considered numerous observations and suggestions that had been raised during the course of the seminar.

I. OPENING OF THE SEMINAR

A. Statement by the High Commissioner for Human Rights

7. The United Nations High Commissioner for Human Rights opened the seminar on 6 December 1999. In her statement, she noted that the seminar was appropriately taking place during the week in which Human Rights Day was commemorated. The High Commissioner stated that violations of human rights were nowhere more dramatically illustrated than by mass exoduses, whether they occurred across borders or within States, and that the movement of refugees and forcibly displaced persons had become a tragic feature of modern times. The refugee crisis was a human rights tragedy that must be addressed urgently. Refugees and internally displaced persons left their country or community of origin because of a well-founded fear of persecution that might be based on their being targeted on account of their race, ethnicity or nationality. Racism and ethnic conflicts were major causes of forced displacement and ethnic tensions were often exploited, deliberately fostered and exacerbated to further political objectives.

8. At their worst, racism and ethnic tensions could result in genocide. Brutal and systematic violations of human rights demanded quick and decisive action with adequate support. Although the primary responsibility for taking such action remained with the Government concerned, where a Government was unable or unwilling to take such action, the question arose as to whether intervention by the international community would be necessary and justified.

9. Since its creation, the United Nations had struggled to find measures to combat racial discrimination and ethnic violence. It was a multifaceted, complex issue that continued to present enormous challenges to the international community. Progress had been made. As a new century began the international community needed to pay more attention to the effectiveness of early-warning systems and urgent actions as possible measures in combating racism, racial discrimination, xenophobia and related intolerance. It was important that the international community focus on preventive measures. The root causes of the racism and ethnic conflicts which triggered refugee crises must be addressed. These problems not only divided the population in the home country, but also refugees in the host country. Racism and ethnic tensions complicated assistance to refugees and forcibly displaced persons throughout a crisis and, in addition, could preclude their safe return and reintegration.

10. The High Commissioner reminded the seminar that combating racism, racial discrimination, xenophobia and related intolerance remained a collective responsibility. A fundamental first step was for States and the international community as a whole to acknowledge the reality of multi-racial and multi-ethnic States. Only then could the international community endeavour to protect and promote all human rights for all.

11. The High Commissioner acknowledged that preventing, managing and resolving refugee crises rooted in racism and ethnic tensions raised many daunting challenges. However, the seminar had been organized to contribute to a better understanding of these issues, and to facilitate the adoption and implementation of effective solutions. These solutions must focus on practical measures of prevention, education and legislation, as well as effective remedies for the victims of acts of racism, racial discrimination, xenophobia and related intolerance.

12. The High Commissioner extended her thanks to the participants, and concluded by stating that she looked forward to the suggestions and recommendations to emanate from the seminar.

B. Election of the Chairperson-Rapporteur

13. Mr. Asbjørn Eide, member of the Sub-Commission on the Promotion and Protection of Human Rights, was elected Chairperson-Rapporteur.

C. Adoption of the agenda

14. The observer for Turkey stated that his country was not opposed it, but suggested that the agenda should have included an item on the situation of migrant workers in multi-ethnic States.

15. The provisional agenda was adopted without a vote (see appendix I).

II. TOPIC ONE: RACISM AND ETHNIC CONFLICTS AS A ROOT CAUSE OF REFUGEE FLOWS, AS WELL AS THE CAUSES OF THESE TENSIONS

Presentation

16. Professor Pita Agbese presented his paper, entitled "Racism and ethnic conflicts as root cause of refugee flows" (HR/GVA/DR/SEM/1999/BP.1). He stated that racial and ethnicity, like other socio-political identities, were socially constructed within the context of power struggles. Once racial characteristics had been made social relations, access to power, wealth and political participation were then conditioned on those categorizations. Racism need not lead to inequality; the distribution of resources and differential access were rather the key issues. Under institutionalized racism, institutions, including the State itself, political parties, religious organizations, media and business, shaped race relations and racial attitudes.

17. Racial discrimination and ethnic practices by the State such as bans on the use of languages, immigration policies, and State policies of racial and ethnic classification (such as in South Africa under apartheid, or in Rwanda) often instigated the conflicts that generated refugees. These practices were often institutionalized in the organs, policies and programmes of the State. Ethnic and racial factors alone did not trigger the socio-political crises that created refugee flows; however, crises in which ethnic or racial factors were implicated tended to accentuate violence and often led to the displacement of large numbers of people.

18. Ethnic or racial factors were often contingent factors which, when combined with racism and ethnic discrimination, caused political conflicts. Professor Agbese gave the following examples: economic crises such as inflation, unemployment, indebtedness, bankruptcy and high interest rates; political crises such as succession, new political coalitions and the collapse of dictatorship; absence of the rule of law; and absence of democratic platforms. He also emphasized that the concentration of economic misery in a particular group was not conducive to peace and harmony and that race or ethnicity should not be used as a determinant of a person's economic well-being. Also, the practice of ethnic segmentation of occupation was not conducive to harmonious inter-group relations. Society must strive to provide equal opportunities for all its citizens.

19. Thus, racism as the root cause of refugee flows could be manifested in many forms: (a) the State may attack its own citizens on the basis of racial differences (as in Nazi Germany and under the former apartheid regime); (b) attacks directed at citizens of other States in defence of racial privileges; (c) attacks directed against people by a foreign State in furtherance of colonial rule; and (d) refugee flows within the context of resistance against colonial rule. Similarly, ethnic conflicts could cause refugee flows through: (a) attacks aimed at groups in defence of ethnic privileges; (b) reprisal attacks; (c) attacks aimed at "purification" or ethnic cleansing, such as in Bosnia, Kosovo and the Sudan; and (d) inter-communal conflicts (between two or more ethnic groups) resulting in internal displacement. Professor Agbese presented a number of country cases to illustrate his arguments on race and ethnic conflicts as the root causes of refugee flows.

Discussion

20. A participant argued that certain examples presented by Professor Agbese did not properly reflect the situation in Angola. He presented his own historical analysis, arguing that the cause of conflict in that country was not ethnically based but lay in its colonial history and the struggle against the South African regime.

21. One participant cautioned that there was a distinction between ethnic conflict and racism which had not been acknowledged by the expert. In response, Professor Agbese maintained that racism was the issue and that even at the level of the individual, there must be a social context that created a basis on which to practise racism.

22. The Chairperson-Rapporteur noted that the discussion had raised two key issues: first, what was the relationship between internal and external factors in ethnic conflicts; and second, what could a unifying language in a multi-ethnic society?

23. Another participant reminded the seminar that poverty caused conflict which in turn caused internal and external displacement. He raised the issue of intervening factors and advised caution when addressing the root causes of racism, for the causes that begin an ethnic or racial conflict may not be the same dynamics that perpetuate it. The participant suggested a different use of terminology: "ethnicized conflict" rather than ethnic conflict, because what was relevant was the politicization of these differences.

24. An expert pointed out that the main characteristic of a racial or ethnic conflict was the systematic nature of the discrimination; this element could therefore not be addressed in isolation.

25. An expert noted that the human rights component of refugee issues was most significant in protection during the post-return period, and that as soon as refugee flows occurred, national institutions played a critical role.

26. Another expert stated that the seminar should consider the issues of racism, refugees and multi-ethnic States on three levels: the first level was how best to combat racism; the second level was the issue of conflict resolution and early-warning and prevention systems; and the third level should be humanitarian aid associated with refugee crises and the need for the United Nations to a multi-develop pronged strategy and conflict management.

27. A participant stated that the role of intergovernmental organizations and non-governmental organizations in conflict prevention and resolution must be studied and determined by the international community. The participant also stated that the United Nations should continue its work in determining “fundamental standards of humanity”.

28. An expert disagreed with Professor Agbese’s point about the contingency of economic factors and stressed the relevance of economic issues as root causes of racial discrimination.

29. The seminar was reminded that “casteism” was a particular type of discrimination that required the attention of Governments and the international community.

30. An expert stated that ideological hegemony constituted a root cause of racism and that it was nurtured by culture, not nature, and that it must be addressed from a development perspective. The Chairperson noted that in “developmental racism” development could serve to expand or extend racist practices.

31. It was noted that as the international community approached the fiftieth anniversary of the Convention relating to the Status of Refugees, some States had yet to ratify the Convention and that some of those who had ratified it did not respect its principles and provisions.

32. It was noted by an expert that international humanitarian law required greater application in racial or ethnic conflicts and refugee flows because it addressed some areas that refugee law and human rights law did not, such being binding upon non-State actors, the distinction between military and civilian objectives, and the express prohibition on forcible displacement.

33. The seminar was reminded of the promising work of the United Nations on early-warning indicators which was a template of 40 characteristics exhibited in pre-conflict situations. This work had not yet reached the implementation stage; however, it should be continued.

III. TOPIC TWO: MEASURES TO ELIMINATE RACIAL DISCRIMINATION AND ETHNIC VIOLENCE

Presentation

34. The paper entitled "Measures to eliminate racial discrimination and ethnic violence: early warning systems and urgent actions" (HR/GVA/DR/SEM/1999/BP.2) was presented by Mr. Ivan Garvalov. The international community must have no doubts that racism was still around, said Mr. Garvalov. In recent years, the international community had witnessed a sharp increase in both conventional and sophisticated forms of racial discrimination, ethnic hatred and violence. The General Assembly and the United Nations had consistently reminded the international community that all forms of racism and racial discrimination, particularly in their institutionalized form, were among the most serious violations of human rights. The Committee on the Elimination of Racial Discrimination had warned about these alarming trends and had confirmed this reality on numerous occasions through its work. Ethnic conflicts of more recent times were of an overtly political character. This made them not only more dangerous, but also more difficult to address, and they defied accommodating solutions.

35. He pointed out that no State was immune from the evils of racial discrimination and the international community continued to search for ways and means to eliminate racial discrimination, ethnic conflicts and violence. However, some of the actions taken by the international community and the United Nations and individual States had been slow and ineffective. There was not always an even-handed approach to overt racist manifestations and policies. Ethnic violence was often left unchecked and pre-emptive action was rare. There was some hesitation about resorting to tested and practical methods. There was also a lack of consistency in the international community's response to racial discrimination and ethnic violence. This was illustrated by the cases of Somalia, Kosovo and Chechnya.

36. With regard to self-determination, international law might have fallen victim to ill-conceived policies, partisan politicking and misguided ethnic sentiments pursued by ethnic majorities and minorities. Mr. Garvalov reminded the seminar that international law had not recognized a general right of peoples unilaterally to secede from a State.

37. The elimination of racial discrimination and ethnic violence could only be possible with the determination and political will of all States, individually and collectively. Combating ethnic conflicts and violence was inseparable from combating all forms of racial discrimination. The most important step that all States must take was to recognize - and admit - that racial discrimination existed on the territories under their jurisdiction. Human rights must become the highest priority for all States and in 1993, the Vienna World Conference on Human Rights made it an obligation.

38. All States Members of the United Nations must become parties to the International Convention on the Elimination of All Forms of Racial Discrimination in order to make it universal. It must be implemented strictly and in its entirety, and reservations should be avoided because they weakened the basis of the Convention.

39. The United Nations must define a global strategy which focused on urgent and effective measures to eliminate racial discrimination and the other major problems of our time such as the explosion of ethnic conflict into ethnic violence. Such a strategy required regular assessment and follow-up measures. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was an opportune occasion to define this global strategy. He emphasized that if the World Conference was to be a success, it must be action-oriented.

40. Mr. Garvalov stated that the United Nations and States should address ethnic minority problems and related religious and linguistic problems without further delay. The solution should be primarily through peaceful means, in accordance with the Charter and the basic international human rights instruments. Humanitarian intervention should be approved by the Security Council only when all attempts at finding a peaceful solution had failed.

41. The seminar was reminded that preventive diplomacy remained one of the best means of resolving ethnic conflicts, and here the Security Council and the Secretary-General had decisive roles to play. He noted that the United Nations was Charter-bound to play a crucial role in this respect, and that Member States had pledged to follow suit. The Secretary-General must be given wider powers in enhancing United Nations rapid reaction capability and in integrating humanitarian assistance with other preventive measures such as early-warning and human rights monitoring. Preventive diplomacy required enhancing, without any delay, the role of the United Nations High Commissioner for Human Rights and of her Office, and strengthening their capabilities appropriately.

42. Mr. Garvalov said that the Security Council should be much more active in preventive diplomacy in order to pre-empt ethnic conflicts from erupting into hostilities and local wars that threatened regional and international security, citing Article 39 and Article 53 (1) of the Charter to support his point that only the Security Council was empowered to act in such situations. In its preventive actions, the Security Council should draw on the expertise of those human rights bodies which had made use of early-warning and urgent procedures, including the treaty bodies as well as other bodies such as the Commission on Human Rights and its Sub-Commission on the Promotion and Protection of Human Rights.

43. Mr. Garvalov stated that early-warning mechanisms were insufficient without prompt and effective action such as diplomatic efforts, a deployment of peacekeepers or a humanitarian intervention. He noted the cases of the genocide in Rwanda (1994) and Bosnia and Herzegovina (1992-1995), where the problem was early action, not early warning, since there had been ample warning that the situations had deteriorated and had assumed horrendous proportions.

44. He noted that three former members of CERD had prepared a paper, "Preventing genocide" (E/CN.4/1999/WG.1/BP.9), which was aimed at the World Conference. The authors had recommended the establishment of a rapid reaction force with an enforcement mandate under Chapter VII of the Charter of the United Nations, which should not be a substitute for the normal range of United Nations peacekeeping operations set up under Chapter VI. It was time that the United Nations had agreed on rapid reaction procedures, including the deployment of a rapid reaction force.

Discussion

45. The Chairperson reminded the seminar that early warning was a key measure in eliminating ethnic violence; however, a related consideration was the issue of who would act once the information was available. The question must be asked: Were there existing instruments or mechanisms for action?

46. It was noted by an expert that in several cases, when the United Nations had become involved in an ethnic conflict it was after the event rather than an early action. The expert also stated that the causes of conflict were numerous and the creation of a multidisciplinary group was fundamental if conflict was to be detected at an early stage.

47. An expert agreed that early warning was important; however, the challenge was how to translate the international instruments already in place into effective promotion and protection of human rights. The expert drew the attention of the seminar to the fact that refugees in Africa received less international support than refugees in Europe. There was a need to ensure moral consistency in the application of international refugee norms.

48. Another expert stated that it was necessary to integrate the guarantees contained in the 1951 Convention relating to the Status of Refugees into the human rights regime. The Convention was not only a fundamental human rights treaty but in essence the first human rights treaty. Human rights protection was broader than refugee protection, as it extended to every human being under the jurisdiction of a State, national or not. The expert also noted that way the matter of peace and security and refugees was addressed by the Security Council pointed to a selective and discriminatory tendency on the part of the Council, as illustrated by the case of Rhodesia in 1961. This raised the question of who or what mechanism would act when the Security Council was paralysed.

49. The seminar was reminded by a participant that early warning was a measure wherein the technical requirements were often at odds with political will or response.

50. The seminar agreed that who should act and how the international community should act were key questions.

51. The seminar acknowledged that education was a key factor in prevention. A participant stated that article 29 of the Convention on the Rights of the Child emphasized that education of children should be undertaken, inter alia, “in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”. The seminar was also reminded that States parties had undertaken to adopt effective measures to promote understanding and tolerance to combat prejudices which lead to racial discrimination and to promote understanding and tolerance, pursuant to article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination. The impact of the Internet was stressed and it was stated that the use of the Internet in conflict prevention measure needed to be explored.

52. The Chairperson-Rapporteur indicated that there appeared to be a change in the climate of international relations and that preventative diplomacy, human rights and early warning

were being seriously considered by the Security Council. The seminar welcomed and endorsed the recent statement by the President of the Security Council (S/PRST/1999/34 of 30 November 1999), particularly its first and second paragraphs, in which the Council, within its primary responsibility for the maintenance of international peace and security, emphasized the need to respect and implement the principles and provisions of the Charter, in particular those related to the prevention of armed conflicts and the settlement of disputes by peaceful means. The Council also affirmed that it will give special attention to the humanitarian consequences of armed conflicts, and recognized the importance of building a culture of prevention. The Council further stressed the importance of a coordinated international response to economic, social, cultural or humanitarian problems, which are often the root causes of armed conflicts. It emphasized the need for all United Nations organs and agencies to pursue preventative strategies and to take action within their respective areas of competence to assist member States to eradicate poverty, strengthen development cooperation and assistance and promote respect for human rights and fundamental freedoms.

53. It was stated by a participant that one structural root cause of ethnic conflicts was the denial of self-determination. Another participant pointed out that self-determination was a highly ambiguous and controversial term and that its application required greater definition and consideration.

54. An expert suggested the establishment of a permanent monitoring unit, possibly within the Office of the High Commissioner for Human Rights. Another expert noted that information on ethnic conflicts was abundant; what was lacking was rather political will. Similarly, a participant noted that a network of early-warning systems such as the Commission on Human Rights, the Sub-Commission and the various treaty bodies was already in place but the mechanisms tended not to work very well.

55. With regard to preventive diplomacy, it was acknowledged that the Office of the High Commissioner for Human Rights had been working to strengthen national institutions and regional instruments.

56. The seminar was reminded of the distinction between de jure discrimination, where the international community was making some progress, and de facto discrimination which presented a greater challenge because it was based on psychological and social discrimination.

57. Mr. Garvalov reminded the seminar that ethnic conflicts were often incited by public authorities or Governments and that the international community must be vigilant about the actions of both Governments and private parties. He also reminded the seminar of the primary responsibility of States in combating racial discrimination.

IV. TOPIC THREE: RACISM AND INTOLERANCE IN THE HOST COUNTRY

Presentation

58. Mr. Peter Nobel stated that “intolerance” should be the key word for the World Conference. During the presentation of his paper, “Racism and intolerance versus refugees in

the host country" (HR/GVA/DR/SEM/1999/BP.3), he defined tolerance as the respect for human rights and fundamental freedoms; intolerance was its opposite. The World Conference should condemn intolerance and clarify how it was instrumental in generating racial discrimination.

59. Mr. Nobel noted that racial intolerance vis-à-vis refugees was generally most visible in rich and industrialized countries through their application of a restrictive immigration policy. He reminded the seminar that practically all countries were multi-ethnic, because every country contained more than one ethnic group, and that the history of humanity was one of population movements.

60. There was much confusion in host countries particularly the media and the public, about what constituted a refugee. Another problem was that the definition of a "convention refugee" was rather strict and narrow and covered only a portion of those who were forced to flee: mass movements of people were also caused by armed conflict or indiscriminate violence against civilians by armed forces. Further, Western Governments have tended to avoid the term "de facto refugees" and have in various ways limited assistance or protection to such refugees.

61. Intolerance thus, was not normally directed against refugees as such but against non-nationals, foreigners, minority groups, etc.; it was part of the general racist and xenophobic currents in the host country. These currents in their turn have been considerably strengthened by the way political establishments have handled refugee matters and crises.

62. Mr. Nobel acknowledged that intolerance towards refugees in the host country occurred under different conditions around the world. He briefly considered the situations in Africa, Latin America and Asia before focusing on Europe and North America. The United States, Canada, Australia and Western Europe had attracted immigrants and asylum-seekers from other parts of the world, and various Governments were responding to domestic pressure with legislation and a battery of measures designed to control and restrict immigration.

63. In Western Europe, this intolerance was manifested in the "fortress Europe" mentality and was also reflected in laws and policies such as the Schengen Agreement. In the 1980s, an increase in the numbers of foreigners and asylum-seekers from countries including Bangladesh, Sri Lanka, Somalia, Rwanda, Iraq, Turkey and the Middle Eastern countries tested the ethnic tolerance of Europeans. The media simplified and dramatically exaggerated the issue, inflaming public opinion which in turn was further exaggerated by the media. Mr. Nobel saw the former spirit of humanitarianism as giving way to a tendency to see refugees, immigrants and immigration as a complex set of problems calling for technical and administrative solutions. There was a certain alarmism, and few remembered that refugee problems in the host country were temporary and that the effects were limited.

64. He briefly outlined and discussed the eight elements of "fortress Europe": (i) the requirement of an entry visa, or of a residence or work permit prior to admittance to a country; (ii) economic and other sanctions on air carriers found carrying alien passengers without the necessary documents; (iii) open or secret diplomacy directed at countries of origin preventing transit, checking outflow, etc.; (iv) international police cooperation; (v) amendment of penal codes making it punishable to assist asylum-seekers with economic compensation, passage or documentation; (vi) establishment of refugee reception centres and detention facilities where the

unsatisfactory conditions served as a deterrent; (vii) use of terminology which created a general atmosphere of suspicion, confusion and bad will among the public, such as "mass influx" "floods of refugees" " without papers"; (viii) the implementation of the restrictive policy through rejections at the border and expulsion orders, sometimes carried out with great brutality.

Discussion

65. An expert reminded the seminar that a factor linked to the problem of racism and intolerance in the host country was that the inhabitants of the host country were often no better off than the refugees or asylum-seekers. Therefore, it was important to foster better understanding among public and partnerships between Governments and civil society.

66. A participant cautioned the seminar against confusing the definitions and problems of "immigrants" with those of "refugees". The scope and nature of the problems of the two groups were very different.

67. It was noted by some of the participants that Mr. Nobel's presentation of Western European policies had focused only on the negative side. Western Europe had introduced many new initiatives since the Schengen Agreement, such as the Conclusions of the European Conference on Promotion and Mental Health and Social Inclusion (Tampere, Finland, October 1999) the proposals for an anti-discrimination strategy issued by the Commission of the European Communities in November 1999 and the European Conference on Nationality convened in Strasbourg in October 1999 to address issues such as discrimination, migration and refugees.

68. The Chairperson-Rapporteur requested that copies of the documents referred to by Mr. Nobel be distributed to the seminar. Mr. Nobel suggested, however, that the Tampere conclusions were more rhetorical than substantive. The problem remained one of mustering the necessary will.

69. An expert stated that two key questions needed to be raised: (i) Were States willing to accept the political and economic consequences of refugees? and (ii) What was to be done when refugees or asylum-seekers were repatriated? Their human rights must be respected in the post-return period as well.

70. Another expert noted that intolerance and racism in the host country was not only limited to far-right groups, but was also evident in mainstream political parties and this matter needed to be tackled as well. Another important issue was that of detention procedures regarding asylum-seekers in host countries. This required the attention of the international community because many asylum-seekers, including minors, were detained, often for months or years.

71. An expert informed the seminar that there were problems with refugees in African host countries as well. It was stated that the laws may be in place, but the problem was the practice. It was also noted that the key problem causing intolerance in African host countries was poverty.

72. Another expert noted that there was a disproportionate refugee burden taken on by African countries as compared to European countries. The Mauritius Declaration and

Programme of Action acknowledged a replication of the trend witnessed in Europe of xenophobia and the desire to keep out foreigners. Mitigating factors and solutions could be found in the establishment of effective human rights institutions to deal with the issues of refugees and migrants.

73. The seminar agreed on the important role of education in addressing the problem of intolerance and racism in the host country. Domestic educational initiatives must involve the media, primary education and public outreach.

74. One participant did not agree with the distinction between refugees and immigrants made by Mr. Nobel. The participant also pointed to the phenomenon of migration for advantageous political ends, as seen recently in the media.

75. It was stated by an expert that language used to describe foreigners and the issue of asylum-seekers and immigration policies was very important. A European Union member had used the phrase "extra-community citizens".

76. A participant stated that the contemporary trend in European and North American countries, particularly far-right groups, was to "demonize" immigrants or refugees. Racism was an expression of power and it was also based on a perception that poor refugees were coming to a rich country, yet it was forgotten that migrants or refugees contributed to the building of wealth in Western countries. Education was an absolutely essential factor in bringing about change.

77. Finally, Mr. Nobel stated that contrary to the NGO experience with the Beijing Conference, NGO participation in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its preparatory processes was fundamental.

V. TOPIC FOUR: RACISM AS AN OBSTACLE TO RETURN AND REINTEGRATION

Presentation

78. In his presentation "Racism and Ethnicity as an obstacle to return and reintegration" (HR/GVA/DR/SEM/1999/BP.4), Mr. Kallu Kalumiya (Office of the High Commissioner for Refugees (UNHCR)) described some of the main obstacles posed by racism and ethnic discrimination to effective return and reintegration of refugees and returnees and drew the attention of the seminar to key areas that required attention if the obstacles were to be overcome and sustainable return achieved.

79. He recalled that refugees, i.e. those in need of international protection, were often fleeing from armed conflict, generalized violence, severe disruptions of public order or widespread abuses of human rights. At the core of international protection was the principle that people should not be forced to return against their will to a country in which their lives or freedom would be endangered because of "race, religion, nationality, membership of a particular social group or political opinion". The principle of non-refoulement was therefore extremely important in the protection of refugees. Protection must include both the physical security and human

dignity of refugees. The essential elements of international protection, then, were admission to safety, exemption from forcible return, non-discrimination, and assistance to meet their basic needs and fundamental human rights.

80. UNHCR's protection strategy encompassed a comprehensive policy that dealt with the whole cycle of forced displacement. Issues of racism and intolerance were serious obstacles at each stage of the exodus-return-reintegration cycle. Some of the obstacles to return could be attributed to a weak State and civil society which made the process of peace-building and the creation of a stable and secure environment problematic. Large-scale returns of refugees was a difficult process which could cause social and economic tensions in the country of origin.

81. Reintegration was an integral element of the broader process of peace-building. It was therefore crucial for States emerging from violent ethnic conflicts to secure the commitment and participation of all levels of society to the process of reconciliation. Reconciliation involved ensuring the peaceful coexistence of parties to the conflict, the provision of a safe environment for people to invest in rebuilding social relations, and the promotion of human rights and minority rights through legislation, education, and some form of equitable redistribution of economic and social wealth of the "new" society. UNHCR collaborated with human rights actors and military actors and assisted the State in providing national protection to returnees such as by promoting freedom of movement and inter-ethnic reintegration.

82. Mr. Kalumiya identified a number of common issues relating to racism and discrimination and refugees which must be addressed. Inter alia, he stated that: States should ensure that all sectors of society take concerted urgent action to address persistent racism against people perceived as "foreigners" or "aliens"; States should invest more resources and efforts towards eliminating the root causes of racism and xenophobia; public officials should be held accountable for their public statements; to help create and foster healthy social attitudes there should be expanded communication and education about xenophobia; States should actively seek to eliminate economic racism and ethnic discrimination from the structures and systems of Government itself; major institutions at all levels of community life must be targeted (family, educational institutions, law and policy-makers, the workplace and religious leaders); independent national human rights institutions, ombudsperson offices and the judiciary are crucial partners in overcoming racism.

Discussion

83. A participant stated that voluntary repatriation was the best durable and most desirable solution to the problem of refugees and discrimination. Another participant reminded the seminar that the international community must consider the question of which conditions made the reintegration of refugees or returnees more likely to occur?

84. The seminar agreed that the international response to a refugee crisis was often a direct function of media attention. Mr. Kalumiya said that United Nations agencies were working with human rights agencies and NGOs on this problem. The Security Council was dealing with the issue of international attention in refugee crises, as well as questions of equity and resource allocation in refugee matters. There was also a sensitivity to this issue among many donor countries.

85. The seminar was also reminded by a participant that the country of origin was often not willing to accept returning refugees. A related issue was that often, the country of origin would insist on valid documentation, often impossible given the situation of refugees.

86. An expert drew the attention of the seminar to the special needs of women and children in repatriation and suggested that future refugee and human rights programmes in this area focus on these groups in particular. The expert also stated that a coordinated human rights training strategy was required for lawyers and the judiciary on the issues of refugee return and reintegration and human rights. There should be a clear link between OHCHR and UNHCR on technical assistance training projects.

87. An expert noted that the decision about when conditions were safe for the return of refugees was made unilaterally by the host country. The basis for this decision required careful examination by the international community, particularly where refugees had been forced to flee because of racial and ethnic conflicts in the country of origin. The international community must also address the sustainability of return, an issue that should be coordinated with long-term United Nations development programmes in the country of origin.

88. An expert pointed out that when discussing refugees, the international community at times overlooked refugee situations in South and East Asia, such as the Bhutanese refugees in Nepal.

89. The matter of the land and property rights of refugees was also discussed. Often, land belonging to refugees or returnees is occupied or in the possession of another ethnic or racial group by the time the former return, frequently causing conflict. This required study, better coordination and the involvement of the United Nations. UNHCR and the international community needed to continue to encourage bi- and tripartite frameworks for repatriation which included clauses on the reclamation of property.

90. A participant raised the question of how a State could ensure the return of refugees or returnees where the State, or civil society itself, had collapsed.

91. The phenomenon of "self-exclusion" by refugees in the host country was raised by a participant who noted that refugee populations tended to group together, which could exacerbate tensions in the host country. The issue of "migrational opportunism" was also raised wherein persons or groups could take advantage of the legitimate situation of a group of refugees in order to migrate to a host country.

92. Mr. Kalumiya, in responding to the interventions, noted that difficulties arose when neighbouring States were unwilling to take in refugees. This had been the case in Afghanistan where there was ongoing voluntary and involuntary repatriation. He presented the case of Guatemalan refugees in Mexico as an illustration of exemplary voluntary repatriation; Mexico had given the refugees option of full citizenship. He also drew attention to the consequences of refugee crisis at both ends: in the country of return and in the host country, both of which were likely to suffer damage owing to the mass movement of people. He acknowledged the importance of regional instruments and said that they should enshrine the principle of voluntariness.

93. Mr. Kalumiya agreed that there needed to be increased coordination between UNHCR and OHCHR. There was a need for a coordinated strategy, particularly concerning the monitoring of the consequences of return. He stated that there were no formal linkages as yet; however, refugee law was inseparable from human rights law.

VI. TOPIC FIVE: CONSOLIDATING MULTI-RACIAL AND MULTI-ETHNIC STATES THROUGH HUMAN RIGHTS

Presentation

94. Professor Yutzis noted that the subject matter of his paper, "Los derechos humanos como instrumentos para la consolidación de los Estados multiraciales y multiétnicos" (HR/GVA/DR/SEM/1999/BP.5), and its presentation were not intended to describe all the problems associated with the consolidation of multi-racial and multi-ethnic States, but to underline some of the fundamental aspects in the context of Latin America which might be reflected in other geographic regions.

95. He said that the international community should acknowledge that all States were, in one way or another, multi-ethnic and multi-racial. In addition, the consolidation of multi-racial and multi-ethnic States was contingent upon the link between the State, development and democracy; therefore, without development and democracy it cannot be said that a multi-ethnic or multi-racial State can be consolidated.

96. Racism and racial discrimination were global and systemic problems. The ideology of domination and its resulting structural practices which prevented equality between cultures in different social and institutional contexts, should be taken into account.

97. Fundamental to the phenomenon of systemic underdevelopment in Latin America was the process of "actualización histórica", where external colonial powerful elites - in conjunction with dominant internal groups - caused the loss of indigenous people's autonomy and culture. Therefore, underdevelopment should not be understood as a stage prior to development, but as its functional opposite.

98. From a historical point of view, totalitarianism allowed economically dominant groups to prolong the submission and cultural degradation of non-dominant components of the society: minorities, ethnic groups and indigenous peoples. This situation led to a form of "ethno-nationalism". Two "ethno-nationalistic" strategies were used to perpetuate the submission of the non-dominants. One was the exclusion of indigenous peoples from participating in the State's civil and political life and the refusal of their rights. The other consisted of discriminatory violence to the benefit of an economic, social or political power by "triangulating" a conflict, i.e. permitting an authoritarian third entity to interfere, thereby exacerbating the conflict.

99. In the modern globalized economy, the State had yielded power to the market. Some of the consequences were: (a) a new form of "mis-protection" of the most vulnerable groups;

(b) increased inequality in the distribution of wealth and the structural exclusion of the most vulnerable groups from participating in civil and political life; (c) an increase in racism and discriminatory practices; and (d) an increase in ethnic conflicts.

100. In the past, totalitarian States contributed to the marginalization of indigenous peoples. This effect is still apparent, although now it is due to the weakness of the State in a globalized market economy. The "ethno-centralism" of the State had turned into "ethno-centralism" of the market, which hampered economic democracy because it diminished the power of States to make decisions in the economic field.

101. Professor Yutzis stated that since all human rights were indivisible, political democracy was incomplete without economic democracy. Owing to the fact that democracy (both economic and political) and development were required for the consolidation of multi-racial and multi-ethnic States, the consolidation of a multi-ethnic State could not be attained without democracy.

102. Recalling that all States were multi-ethnic and multi-racial, and considering specifically the situation of indigenous peoples in Latin America, a new concept should be put into practice in order to attain democratic and equitable development: "ethno-development". This was essentially the capacity of a population to build a more promising future on its own initiative and with regard to its own history and cultural resources. "Ethno-development" implied the participation and involvement of ethnic groups in democratic institutions in order to achieve their integration in civil and political life.

Discussion

103. Many experts and participants acknowledged that the problems of multi-racial and multi-ethnic States were systemic and not just psycho-social or personal issues of discrimination. Many also noted the importance of democracy and the indivisibility of all human rights.

104. The Chairperson-Rapporteur noted that the Working Group on Minorities did not work on the basis of the notion of self-determination.

105. A participant stated that it was necessary to negotiate ethnic conflicts in a way that would constrain those who would profit by such conflicts - "ethnic entrepreneurs" . The Chairperson-Rapporteur pointed to the Hungarian minority in Romania as a case of constructive accommodation.

106. An expert noted that it was important to study the nature and characteristics of poor and underdeveloped democracies to determine how those characteristics impacted on ethnic relations.

107. A participant pointed out that there was a dichotomy between institutionalized racism and "personal" racism. The tendency to portray racism solely as a North American or European phenomenon was wrong, and such a depiction minimized the role of Governments. Internal armed conflict was a manifestation of structural racism; that issue would be a challenge for the

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The participant also made a point about the market and human rights and said that democracy was not about human rights per se.

108. Another participant replied that the term "democracy" suggested the indivisibility of all human rights. The task for modern societies was the achievement of an appropriate and balanced implementation of this indivisibility. The participant added that not only were all States multi-ethnic, but all States were artificial as well.

109. The Chairperson-Rapporteur stated that the market had a tendency to work against the indivisibility of all human rights, but that this could be compensated for without relinquishing the positive aspects of globalization. He also noted that certain international institutions appeared to be on the ascendant whereas others were losing importance. The question then became: Who would defend human rights? He suggested that the modern State was struggling with the responsibility of defending human rights against the impact of the market, while protecting multi-ethnicism and multi-racialism. He noted that the State assumed this responsibility with the assistance of international institutions.

110. A participant stated that globalization promoted differentiation among and within countries and that without economic democracy there could not be political democracy. The establishment of human rights institutions and human rights education were insufficient to address this fundamental problem.

111. An expert pointed to innovative policies and programmes at the national, regional and international level. The expert also agreed with Professor Yutzis' suggestion of regional markets for the cultural goods of peoples, and that States had an obligation to support civil society.

112. An expert stated that it was time to rethink the political and economic system that concentrated wealth in the hands of a few in the name of democracy, as it was this system that had created ethnic and racial conflicts. The seminar was also reminded of the issue of sexism in the context of racism, which should be addressed by the international community.

113. Professor Yutzis replied that there had been an erosion of multilateral international organizations. Many multilateral organizations did not fulfil the commitments that had been prescribed in the international texts. Further, he pointed out that it was necessary to detect ethnic and racial conflicts in advance and that the implementation of article 11 of the International Convention on the Elimination of All Forms of Racial Discrimination was very difficult. He suggested the use of inter-disciplinary preventative mediation and that task forces (taking account of the gender, political, psychological and other perspectives) should be established to interpret the positions and language of the parties to a given conflict and facilitate a solution.

VII. OBSERVATIONS AND SUGGESTIONS OF THE PARTICIPANTS

114. A draft Summary of suggestions and draft recommendations was distributed and discussed. With respect to Mr. Garvalov's suggestion for the establishment of a rapid reaction force (see para. 133) a participant stated that the use of force in racial and ethnic conflicts required greater study, and that the role of the Office of the High Commissioner for Human

Rights and of the Security Council needed to be clearly articulated. Another expert stated that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance needed to highlight effective action to prevent genocides such as had recently occurred. The Security Council was the legitimate authority in this area: How would it implement the idea of a rapid reaction force?

115. The observer for Cuba objected strongly to the proposal for a rapid reaction force, stating that it suggested a change in international law and in the powers of the Security Council under the Charter. Another expert asked Mr. Garvalov to withdraw the suggestion, which Mr. Garvalov declined to do.

Summary of observations and suggestions of the Expert Seminar on Racism, Refugees and Multi-ethnic States

116. It was agreed that the seminar should not formally adopt recommendations, but list those observations and suggestions made by experts and participants which appeared to have broad support, it being understood that there was not necessarily full consensus on each of them. Therefore, the respective observations and suggestions as made by participants and experts and amended by the seminar, have not been attributed to the individual proposing it. The responsibility for the rendering of the observations and suggestions as they appear rests with the Chairperson-Rapporteur.

A. Racism and ethnic tension as root causes of refugee flows

117. States should recognize racial and ethnic diversity wherever it exists and encourage peaceful coexistence through political and social policies and through multicultural and intercultural education.

118. Legal provisions alone are insufficient solutions to racial and ethnic discrimination. Racism and ethnic bigotry are often inherent in the structures of the society. Combating racial and ethnic discrimination must entail the redistribution of social, economic and cultural power by promoting social justice and fairness, ensuring equal opportunities and participation for all.

119. Racism and ethnic bigotry can assume subtle forms. Ethnic or racial entrepreneurs who seek to instigate ethnic or racial tensions should be exposed.

B. Measures to Eliminate Racial Discrimination and Ethnic Violence

1. State Action

120. There should be universal acceptance of international human rights, refugee and humanitarian law, and States should adopt all necessary measures at the national level to ensure the implementation of their obligations under these branches of international law.

121. All States should unequivocally accept the primacy of international law over domestic legislation in matters of human rights, particularly with regard to racial discrimination and ethnic conflicts. They should: take effective measures to protect all persons against racial

discrimination in both the public and private sectors; criminalize incitement to racial hatred; ensure equal treatment of migrants, refugees, asylum-seekers and displaced persons, including the rights of non-citizens and protection against xenophobia; combat hate speech and promote tolerance in the Internet age; recognize that racism, racial discrimination, xenophobia and related intolerance are challenges to peace and human rights.

122. Governments should make it a priority to educate the public as well as train law enforcement officers to respect and protect human dignity and to combat racism, racial discrimination and xenophobia.

123. States should be called upon to ratify the Rome Statute of the International Criminal Court, in order to help to prevent genocide and facilitate, *inter alia*, the trial of perpetrators of genocide, crimes against humanity, including murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution on political, racial and religious grounds and other inhumane acts directed against any civilian population, and grave breaches of the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977.

124. A very important issue in ethnic conflict prevention is the discontinuation of the proliferation of arms in regions of concern.

125. Until the International Criminal Court has authority to act in cases of genocide, any contracting party to the Convention for the Suppression and Punishment of the Crime of Genocide should be encouraged to take the initiative to invoke article VIII of the Convention, whenever "direct or public incitement to commit genocide" (art. III (c)) is manifested by anyone.

2. United Nations Action

126. The United Nations must define a global strategy to address racial discrimination, the explosion of ethnic conflict and the alarming proportions of ethnic violence, and assess the strategy regularly with follow-up measures.

127. Harmonization of work is necessary between the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, and indeed throughout the United Nations system, to ensure adequate protection of refugees and internally displaced persons from social and other forms of discrimination.

128. The United Nations must elaborate an international instrument of a binding character defining the rights and obligations of persons belonging to minorities, and must clarify its position on the understanding of the right to self-determination of peoples.

3. Prevention

129. A global strategy could contain, inter alia, some of the following points:

(a) Identify and monitoring ethnic conflicts and other sources of ethnic violence, elaborating measures to contain them, and searching for peaceful solutions with direct participation by host States and parties to the conflicts, and with the active cooperation of regional and international mechanisms;

(b) Assisting States in establishing national institutions for the promotion and protection of human rights;

(c) Encouraging States to continue reviewing national legislation concerning racial discrimination;

(d) Encouraging States to carry out law enforcement training with special emphasis on racial and ethnic groups; and

(e) encouraging States to review school curricula and other educational and training programmes, and to adjust them to the requirements for the elimination of racial discrimination and ethnic conflict and violence prevention.

4. Preventive diplomacy, rapid reaction and early warning

130. Preventive diplomacy requires enhancing without any delay the role of the United Nations High Commissioner for Human Rights and of her Office, and strengthening appropriately their capabilities.

131. The Security Council must get involved much more actively in preventive diplomacy in order to pre-empt ethnic conflicts from erupting into hostilities and local wars that threaten regional and international security.

132. The Security Council should draw on the expertise of those human rights bodies which make use of their early-warning and urgent procedures, particularly treaty bodies such as CERD and the Human Rights Committee, as well as other bodies such as the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights.

133. A rapid reaction force should be established that shall have an enforcement mandate under Chapter VII of the Charter of the United Nations, and which shall not be a substitute for the normal range of United Nations peacekeeping operations set up under Chapter VI of the Charter. The Secretary-General of the United Nations must be given wider powers in enhancing the United Nations rapid reaction capability, and in integrating humanitarian assistance with other preventive measures such as early-warning and human rights monitoring.

5. Committee on the Elimination of Racial Discrimination (CERD)

134. All States Members of the United Nations must become parties to the International Convention on the Elimination of All Forms of Racial Discrimination in order to make it universal. Reservations weaken its nature.

135. CERD must be strengthened appropriately in order to focus also on genocide and its link with racial discrimination, having in mind the relevant articles of the 1948 Convention on the Suppression and Punishment of the Crime of Genocide, in order to be able to pursue more effectively its early-warning and urgent procedures, and protection against racial discrimination.

136. The capacity of CERD's urgent procedures mechanisms should be strengthened, so that it may be able to act immediately under article 4 of its Convention with regard to any mass media appeals and to any other incitement to racial discrimination and violence leading to genocide.

137. The resources of CERD should be increased to enable it to act effectively in investigating fully any allegations of genocide or direct or public incitement to commit genocide brought to its knowledge by Member States, an international organization or an NGO, and to be able to cooperate with an early-warning and any good offices functions of the United Nations.

138. As a corollary, State party reporting to CERD should take place in a spirit of open and constructive dialogue rather than be characterized by defensiveness and suspicion of external interference.

139. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should:

(a) Affirm article 2 (1) (a) of the International Convention on the Elimination of All Forms of Racial Discrimination, which states that "[e]ach State party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation";

(b) Affirm article 2 (1) (c) which states that "[e]ach State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists".

6. Racism, education and the Internet

140. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance could encourage discussion on the use of the Internet as a means to fight racism, racial discrimination, xenophobia and related problems, and condemn the use of the Internet for the purposes of inciting racial or ethnic hatred and intolerance.

141. Coordination within the Third Decade to Combat Racism and Racial Discrimination and the United Nations Decade for Human Rights Education should be strengthened. The importance of human rights education should be emphasized, and in that context education against racism, racial discrimination, xenophobia and related intolerance. There is a need for a coordinated strategy involving the United Nations Educational, Scientific and Cultural Organization, OHCHR and UNHCR, specifically as part of the review of the Decade.

7. Vulnerable groups: women and children

142. Specific attention and resources should be devoted to monitoring the respect of the rights and fundamental freedoms of persons belonging to groups that are particularly vulnerable to human rights abuses and discrimination, including minority groups and indigenous peoples, women, children and the disabled, in all phases of their return and resettlement in their countries of origin. Sexism should be addressed along with racism.

C. Racism and intolerance in the host country

143. The prevention of intolerance should be the key concern of the World Conference. Governments should be called upon to observe ethnic and religious tolerance and pay full respect to the International Bill of Human Rights. Reservations to these instruments should be discouraged.

144. Governments should comply with their obligations under international law and observe without any discrimination the principle of non-refoulement. Therefore, asylum should be granted according to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto and regional instruments which may have been adopted States which have not ratified any of these instruments should do so.

145. Governments must ensure that their agents and national authorities entrusted with refugee determination procedures perform their duties without discrimination on the grounds of race, ethnicity or national origin.

146. Asylum cases should be decided on their merits regardless of whether asylum-seekers carry documents. In all cases, refugees and asylum-seekers should have access to legal services and remedies and to relevant NGOs.

147. Governments should not delegate to private air companies or other entities their responsibilities concerning access to their territories by asylum-seekers. CERD should consider whether the penalization by States of airlines transporting asylum-seekers without necessary travel documents has the effect of racial or ethnic discrimination on the right to seek asylum.

148. The World Conference should consider the phenomenon of discriminatory treatment on the basis of colour and ethnicity at entry points and immigration counters around the world, where the principle tends to be "presumed guilty until proven innocent".

149. All Governments should recognize all "refugees", not only those included in the refugee definition of the 1951 Refugee Convention, but also those who are described in the second part of the refugee definition in article 1 (2) of the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa of the Organization of African Unity, and grant them access to protection and assistance.

150. Governments and their agents should avoid hate speech or other statements that can be interpreted as expressions of contempt or threat to refugees and asylum-seekers, and they should promote legislation against such expressions or manifestations in society.

151. Governments should ensure that refugees are not racially or ethnically segregated from society and should assist communities and NGOs in integrating them.

152. Considering that the grant of asylum may place an unduly heavy burden on certain countries, and that refugee issues are the responsibility of all States, UNHCR should design a system whereby refugee responsibilities are shared amongst States.

153. The refugee and asylum determination process and expulsion, where applicable, must be conducted in a humane and considerate way.

D. Racism as an obstacle to return and reintegration

154. States should ensure that all sectors of the society take concerted action to address with urgency racial division, especially the persistence of racism against people perceived as "foreigners" or "aliens". This requires sustained educational and pro-active initiatives at the community level which will promote harmonious social relations between different ethnic groups.

155. The following major institutions at all levels of community life should be targeted:

(a) The family needs specific attention to prevent future generations from being drawn into the same cycles of prejudice and intolerance that give rise to further refugee displacement;

(b) In schools, colleges and universities, a culture of respect for human dignity and difference can be developed;

(c) Law and policy makers and other members of the elite in any society should be responsible and accountable for their public statements;

(d) The judicial system, ombudsperson offices and independent national human rights commissions are crucial partners in overcoming racism and xenophobia, ethnic tensions and discrimination against minorities;

(e) In the workplace, respect for human dignity and non-discrimination on the grounds of race should be promoted;

(f) Religious leaders and institutions can be essential for moral, ethical and spiritual rejuvenation of the society on a basis of inclusiveness and tolerance.

156. The perpetrators of racist and xenophobic violence must be brought to justice through the courts of law. Law enforcement agencies must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold in "newly" formed societies.

157. Ongoing public information campaigns by States, NGOs, UNHCR and other United Nations agencies should be encouraged. The media is an essential tool of positive social change.

158. Non-governmental organizations have an important role to play by providing strong and independent advocacy that sensitizes the public and government officials on the issue of racial and ethnic discrimination and xenophobia.

E. Consolidating multiracial and multi-ethnic States through human rights

159. States should acknowledge and implement in their legislation and culture the reality of the multiracial, multi-ethnic and multicultural composition of their States, and should advance a culture of democracy through daily implementation of civil, political, economic, social and cultural rights without discrimination.

160. Interdisciplinary task forces should be constituted as preventive tools for mediation, and should incorporate gender, psychological, political and economic approaches and disciplines.

161. Globalization risks causing exclusion and increased inequality, often along ethnic or racial lines. States should define and promote legitimate measures of welfare, employment and equal opportunities for those left behind by globalization.

162. "Ethno-development", the capacity of a population to build a more promising future on its own initiative, could be used to attain equitable and democratic development for the indigenous peoples in Latin America. The State should support indigenous peoples in constituting political groups which possess a degree of self-determination, and undertake to create and promote the conditions for the legal acknowledgement of indigenous peoples' own internal organizational forms, local government, productive work, and cultural and communal life, among others.

163. Claims for land formerly belonging to indigenous or ethnic groups should be further considered.

164. The languages of indigenous peoples or minorities should be recognized. In countries where various languages coexist, the official language should be a communication instrument, a kind of "lingua franca".

165. The active participation of children and young people in regional and national development should be encouraged. Teachers should act as agents to transmit the oral knowledge of the ethnic community within which they work.

166. Where mass media does not reflect minority or indigenous cultures, local and regional markets should be created and the free circulation of culture through books, videos and films about minorities and ethnic and indigenous peoples should be promoted. Television and radio broadcasting time for cultural programmes should be allotted also to regional and national ethnic groups.

167. The implementation of minority rights should ensure equality between all individuals and minorities in society; contribute to the enjoyment of all human rights by all members in society;

guarantee access to resources on a basis of equality; integrate all minorities as an essential component of peaceful, democratic and pluralist societies and ensure harmony and stability within States and between States, in particular with kin States.

168. Minorities should be involved at the local, national and international levels in the formulation, adoption, implementation and monitoring of standards and policies that affect them. Effective participation requires representation in legislative, administrative and advisory bodies and, more generally, in public life. States should also establish advisory or consultative bodies involving minorities within appropriate institutional frameworks.

169. Decentralization of political power would increase the chances for minority participation in the exercise of authority over matters which affect them and the societies in which they live.

Appendix I

AGENDA

1. Opening of the seminar:

   (a) Statement by the United Nations High Commissioner for Human Rights;

   (b) Election of the Chairperson-Rapporteur;

   (c) Adoption of the agenda.

2. Topic One: Racism and ethnic conflicts as a root cause of refugee flows, as well as the causes of these tensions. Paper presented by Professor Pita Agbese, University of Northern Iowa:

   (a) Racism and institutionalized racial discrimination;

   (b) Ethnic nationalism in civil society and political life;

   (c) Political structuring of multi-ethnic societies.

3. Topic Two: Measures to eliminate racial discrimination and ethnic violence. Paper by Mr. Ivan Garvalov, member, Committee on the Elimination of Racial Discrimination:

   (a) Early-warning systems;

   (b) Urgent actions.

4. Topic Three: Racism and intolerance in the host country. Paper presented by Mr. Peter Nobel, member, Committee on the Elimination of Racial Discrimination:

   (a) Non-refoulement and the right to asylum on a non-discriminatory basis (racial discrimination against asylum-seekers in the process of reviewing petitions, problems experienced and recommendations, expulsion of asylum-seekers who are refused refugee status);

   (b) Non-discrimination and protection of refugees against racism and xenophobia (legislation and national institutions for protection, specific problems of refugees, affirmative measures to reduce and eliminate racial discrimination against refugees, such as education and training, job insertion programmes and assistance to the host community).

5. Topic Four: Racism as an obstacle to return and reintegration. Paper by Mr. Kallu Kalumiya, Deputy Director for International Protection, Office of the United Nations High Commissioner for Refugees:

   (a) Easing ethnic tensions among refugees in the host country;

(b) The integration of returnees (availability of economic assistance from the host country and international organizations on a non-discriminatory basis; compensation for loss by the country of origin; measures taken to ease ethnic tensions, such as assistance to the community of repatriation; national, regional and international guarantees, and protection from further racial discrimination.

6. Topic Five: Consolidating multiracial and multi-ethnic States through human rights. Paper by Dr. Mario Yutzis, member, Committee on the Elimination of Racial Discrimination:

(a) The protection of minorities against racism and racial intolerance;

(b) Political participation and democratic institutions;

(c) The right to development: enjoyment of all human rights, in particular social, economic and cultural rights.

7. Conclusions and recommendations.

Appendix II

LIST OF ATTENDANCE

I. PARTICIPANTS

A. Members - Committee on the Elimination of Racial Discrimination

Ivan Garvalov
Peter Nobel
Mario Jorge Yutzis

B. Experts (participating in their personal capacity)

Pita Agbese (University of Northern Iowa)
Antonella Attardo (Minority Rights Group)
Asbjørn Eide (Norwegian Institute of Human Rights)
Bimal Ghosh (New International Regime for Movements of People)
Vera Gowland (Graduate Institute of International Studies)
Daniel Helle (International Committee of the Red Cross)
Olatokombo Ige (International Commission of Jurists)
Jainaba Johm (African Commission on Human and People's Rights)
Zoran Jovanovic (International Committee of the Red Cross)
Julie Mertus (Ohio Northern University)
Barney N. Pityana (South African Human Rights Commission)
Cécile Quan (International Committee of the Red Cross)
Agha Shahi (Member, Committee on the Elimination of Racial Discrimination)
Mangala Sharma (Buthanese Refugees Aiding the Victims of Violence)
Shanta Shrestha (Office of the Lutheran World Federation in Nepal)
Rodolfo Stavenhagen (Mexican School)
Atsuko Tanaka (International Movement against All Forms of Discrimination and Racism)

II. OBSERVERS

A. United Nations bodies

United Nations High Commissioner for Refugees	Kallu Kalumiya Richard Towle Luise Druke
United Nations Population Fund	Alphonse MacDonald Khaled Hassine

B. Specialized agencies

International Labour Organization	Carlien van Empel

C. Member States

ANGOLA	Rolando F.D.J. Neto
ARGENTINA	Pablo Chelia
AUSTRALIA	Andrew Goledzinowski
AUSTRIA	Gabriela Kuhtreiber
AZERBAIJAN	Tofik Moussaev
BANGLADESH	Ismat Jahan
BELGIUM	Machteld Fostier
BRAZIL	Antonio Carlos Naseimento Pedro
CANADA	Kenneth Bush (Department of Foreign Affairs, Ottawa)
CHINA	Cong Jun
CUBA	Jorge Ferrer
ETHIOPIA	Almaz Amaha
FRANCE	Hervé Magro Annabella Maupas
HOLY SEE	Massimo de Gregori
ISRAEL	Teizu Guluma
ITALY	Giulio Vinci Gigliucci
JAPAN	Nobuko Iwatani
LITHUANIA	Eduardas Borisovas
MADAGASCAR	Clarah Andriamjaka
MEXICO	Alesandro Negrin
MOROCCO	Lofti Bouchaara
PAKISTAN	Farruk Iqbal Khan

POLAND	Agnieska Wyznikiewicz
QATAR	Maisra Khalifa
REPUBLIC OF KOREA	Jae Hoon Lim
ROMANIA	Alexandru Farcas
RWANDA	Jacqueline Rusiribya
SENEGAL	Diégane Sambe Thioune Abdoulaye Dieye
SPAIN	Iñigo de Palacio Espana
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SOUTH AFRICA	Haiko Alfeld
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UNITED REPUBLIC OF TANZANIA	Irene Florence Kasyanju
UNITED STATES OF AMERICA	Cheryl Sim
ZAMBIA	Irene B. Fundafunda E.M. Katongo
ZIMBABWE	Felix Maonera

D. Host country

Boël Sambuc (Commission fédérale contre le racisme)
Jean-Daniel Vigny
Caspar Landolt

E. Intergovernmental organizations

COMMONWEALTH SECRETARIAT	Emmanuel Opoku Awuku
EUROPEAN COMMISSION	Nathalie Davies
INTERNATIONAL ORGANIZATION FOR MIGRATION	Sandra Kroger
ORGANIZATION OF THE ISLAMIC CONFERENCE	Nanguyalai S. Tarzi Jafar Olia

F. Non-governmental organizations

AFRICAN COMMISSION OF HEALTH AND HUMAN RIGHTS PROMOTERS	Ana Leurinda
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ASSOCIATION FOR WORLD EDUCATION	David Littman Jacobus D.J. Waardenburg
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ESPACE AFRO-AMERICAIN	Mercedes Olivia Moya Moreno
FRANCISCANS INTERNATIONAL	Joseph Francis Cistone Elizabeth Reichard
INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY	Mohammad-Madmoud Mohamedou
INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM	Javier Sanchez Gonzalvez
UN WATCH	Jesse Mark Guberman

Appendix III

LIST OF DOCUMENTS

Background papers

Racism and ethnic conflicts as a root cause of refugee flows. Paper by Professor Pita Agbese, University of Northern Iowa (English only) (HR/GVA/DR/SEM/1999/BP.1)

Measures to eliminate racial discrimination and ethnic violence: early-warning systems and urgent actions. Paper by Mr. Ivan Garvalov, member, CERD (English only) (HR/GVA/DR/SEM/1999/BP.2)

Racism and intolerance versus refugees in the host country. Paper by Mr. Peter Nobel, member, CERD (English only) (HR/GVA/DR/SEM/1999/BP.3)

Racism and ethnicity as an obstacle to return and reintegration. Paper by UNHCR, presented by Mr. Kallu Kalumiya, Deputy Director for International Protection (English only) (no symbol)

Los derechos humanos como instrumentos para la consolidación de los Estados multiraciales y multiétnicos. Paper by Mr. Mario Jorge Yutzis (Spanish only) (HR/GVA/DR/SEM/1999/BP.5)

Resolutions

General Assembly resolution 49/146 of 7 February 1995

Commission on Human Rights resolution 1999/78 of 28 April 1999

Commission on Human Rights resolution 1998/26 of 17 April 1998

Statements

Introductory statement by the United Nations High Commissioner for Human Rights

Joint statement on Chechnya by the United Nations High Commissioner for Human Rights, the Secretary-General of the Council of Europe and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe

Statement by the President of the Security Council of 30 November 1999 (S/PRST/1999/34)

Joint statement by the Association for World Education and Christian Solidarity International

Submitted interventions

Intervention by the delegation of Bangladesh on Dr. Peter Nobel's presentation on "Racism and intolerance versus refugees in the host country"

Suggestions and draft recommendations

Suggestions and/or recommendations for adoption by the seminar were circulated by Professor Agbese, Mr. Garvalov, Mr. Nobel, the Association for World Education, the Commonwealth Secretariat and the Working Group on Minorities of the Sub-Commission for the Promotion and Protection of Human Rights

Other papers

Preventing genocide. Background paper submitted by Mr. Agha Shahi, Mr. Luis Valencia Rodríguez and Mr. Ivan Garvalov to the working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination and Related Intolerance of the Commission on Human Rights (E/CN.4/1999/WG.1/BP.90)

The Role of Racism as a Cause of or Factor in Wars and Civil Conflict. Paper by Julie Mertus for the International Council on Human Rights Policy Consultation on Racism and Human Rights, Geneva, 1999

Structural Racism and Trends in the Global Economy. Paper by Rodolfo Stavenhagen for the International Council on Human Rights Policy Consultation on Racism and Human Rights

Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination by Mr. José Bengoa, Mr. Ivan Garvalov, Mr. Mustafa Mehedi and Mrs. Shanti Sadiq Ali (E/CN.4/Sub.2/1998/4)

Challenges of Human Rights, Refugee and Migration Institutions in Post-Communist Countries in Transition (Central and Eastern Europe and Central Asia) by Luise Druke, UNHCR Research Scholar Programme, 1999-2000

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/10
8 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

Item 6 of the provisional agenda

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Note by the Secretary-General

transmitting the report of the Consultation on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Bellagio, Italy, 24-28 January 2000

BELLAGIO CONSULTATION

Report of the Consultation on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance held at The Rockefeller Foundation's Study and Conference Center Bellagio, Italy,

24-28 January 2000

Introduction

1. This report is submitted pursuant to paragraph 35 of General Assembly resolution 53/132 and paragraph 37 of General Assembly resolution 54/154. The Bellagio Consultation on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance was convened by Gay J. McDougall, a member of the Committee on the Elimination of Racial Discrimination and Executive Director of the International Human Rights Law Group (Washington, D.C.), with the support of The Rockefeller Foundation. The purpose of the Consultation was to bring together a diverse group of experts from around the world to formulate recommendations on the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will be held in South Africa in 2001.

2. This report seeks to provide a synthesis of the discussions that took place during the Consultation. It sets out the recommendations that were developed by the participants relating to the core themes and possible outcomes of the World Conference. It also advances several recommendations relating to the World Conference process and format, with particular emphasis on the need for World Conference participation by those who are most affected by, or have an impact on racism and racial discrimination. The recommendations, which are contained in Part III of this report, were developed in the hope that they might be useful to the Preparatory Committee for the World Conference, as well as to Governments, non-governmental organizations and other interested parties involved in the World Conference.

Overview

3. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will not only be an important global event, it will also motivate a critical process, through which a global consensus can be built for the articulation and implementation of new and effective approaches to eliminating racism. The World Conference can have a significant and long-lasting impact at the international, regional, national and local levels. Indeed, for those groups, communities and individuals most affected by racism and discrimination, the World Conference has the potential to affect their lives and life-chances in a most profound way.

4. To realize this enormous potential, the World Conference against Racism must adhere to the United Nations resolutions which call for it to focus on practical and action-oriented strategies, concrete and specific commitments, and measurable and achievable goals. The World Conference must also identify the mechanisms and resources necessary to implement the strategies and plans of action. The Bellagio Consultation and the recommendations contained in

this report are efforts to ensure that the World Conference against Racism lives up to its potential and promise to make a major contribution to the struggle against racism, racial discrimination, xenophobia and related intolerance.

5. The Consultation was not intended to undertake an exhaustive and in-depth analysis of the myriad forms and manifestations of racism and intolerance around the world. Its focus was on developing recommendations and proposals for a successful and significant World Conference. This forward-thinking agenda was, however, grounded in a comprehensive analysis of historical and contemporary patterns of racism and racial discrimination, including the causes and consequences.

6. Accordingly, Part I of this report places the Consultation's discussions in context. It reflects comments made by participants but draws primarily on an analysis of racism, and of the denial of racism, conducted by another group of experts in a previous meeting convened in December 1999 by the International Council on Human Rights Policy.[1] Part II contains a summary of presentations made during the Bellagio Consultation on selected issues, including globalization, immigration, ethnic conflict, indigenous peoples, recourse and remedies through legislation and litigation (the United States example), and the role of national institutions. Part III of this report sets out the recommendations of the Bellagio Consultation with respect to (a) the themes of the World Conference, (b) action and activities, (c) World Conference participation, and (d) the regional preparatory process.

PART I. THE NATURE OF RACISM

7. It was noted from the outset that the concept of "race" is a social construct that is frequently used for political ends. The overwhelming weight of authority proves that as a scientific and anthropological matter, the notion that people can be definitively categorized and classified into different "races" is a myth. There is only one race - the human race.

8. It is also abundantly clear that there is no one form, type or definition of "racism" or "racial discrimination". However, for the purpose of the Bellagio Consultation and this report, "racial discrimination" is defined, in accordance with article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination ("Race Convention" or "Convention"), as follows:

> "Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."[2]

9. Racism (and racial discrimination) exists and persists, to some degree, in all societies and in every country and region around the world. The ways in which racism manifests itself and is perpetrated vary across cultures, contexts and historical eras - as must the strategies to combat racism.

10. Racism is ubiquitous, though not necessarily visible at the level of social behaviour. Indeed, the very existence of racism is widely denied across cultures, countries and regions.

This phenomenon of denial makes recognizing, identifying and effectively addressing racism particularly difficult. Denial operates on many levels, including even the language that is used to describe certain situations. Terms like "ethnic minority", "ethnic conflict", "immigration restrictions", "new immigrant", "illegal alien", "urban poor" and "colour-blindness", are used to deny or obscure the racist aspects of certain social behaviours or government policies.

11. In addition to blatant and covert acts and denials, racism can be manifested in attitudes (opinions, beliefs and stereotypes); ideologies; inter-personal relationships; social practices; and institutions. Institutional racism, in which patterns of discrimination, marginalization and disadvantage become systematic and self-sustaining, is particularly problematic in that it is often considered simply "the way the system works" - which is at once the truth *and* an obfuscation of both the underlying problem and the possible solutions.

12. Racism is a tool to gain and maintain power. A significant cause (and effect) of racism in the world today stems from colonialism and slavery, the results of which include the often near-total exploitation, dispossession and dislocation of certain groups of people (or of peoples); misappropriation of their land and resources; and denial of their very humanity. The continuing legacy of colonialism and slavery is evidenced in many places and in many ways, some more obvious than others. Slavery has not yet been eradicated, either in its traditional forms, or in more contemporary forms, such as internal and cross-border trafficking in persons. The levels of economic and technological development of nations, peoples and groups of people, continue to develop largely along racial lines that have been drawn by colonialism and slavery - a further testament to the lingering effects of historical inequities and injustices.

13. Racism is inextricably linked with socio-economic factors. Racism is frequently an expression of underlying socio-economic inequalities, and in many societies, issues of race and socio-economic class are often conflated. Most of the world's poor are people of colour. Groups that face racial discrimination are denied access to land, wealth, employment, education, health and social services, law enforcement protection, and protection of their environment. The poor are often described in racist terms and blamed for their own deprivation.

14. Racism permeates the current patterns of economic globalization. The fusion of markets, economies and nation-States, as it is currently taking place, serves to increase the divide between rich and poor (nations and people). It exacerbates institutional and entrenched racism, while creating new patterns of exclusion and marginalization. The vast and rapid movement of capital, resources and technology is encouraged and under-regulated, while the concomitant movement and migration of people is severely restricted. Xenophobia and discrimination against immigrants is an increasingly widespread and common aspect of many societies and policies.

15. Racism relates to issues of ethnicity and ethnic identity - the political manipulation of which has led to internal and cross-border ethnic conflict, including "ethnic cleansing" and genocide. Racism also relates to the issues facing indigenous peoples, who are subjected to gross and systematic discrimination in every region of the world.

16. Racism is linked with other forms of discrimination and intolerance. Every human being has multiple bases of identity, including race, colour, ethnicity, national or linguistic origin, class, caste, gender and sexual orientation. Racism compounds the various other forms of

discrimination a person or group may face. There are also hierarchies constructed *within* racial groups on the basis of skin colour or language, for example. Thus, racism can be internalized, resulting in discrimination against members of the same racial group. The fact that a person is a victim of racial discrimination does not mean that she/he cannot also be a perpetrator.

PART II. PRESENTATIONS ON SELECTED ISSUES

17. The many complexities and subtleties of racism - how it is structured and manifested, and how it survives and mutates - are beyond the purview of this report and the Bellagio Consultation. However, as a point of departure for developing recommendations for the World Conference against Racism, several participants were asked to make brief presentations on selected issues, including globalization; immigration; ethnic conflict; indigenous peoples; recourse and remedies through legislation and litigation (the United States example); and the role of national institutions. The presentations and the remarks made in the subsequent discussions are summarized below.

Globalization

18. Globalization is one of the main features of modern society and has a major impact on racism. It is characterized by the integration or fusion of economic markets in ways that transcend nation-States. The key drivers of globalization are free-market capitalism and competition, privatization and deregulation, and the maximization of profit.

19. Globalization is not inherently evil and does not *have* to perpetuate racism and discrimination. Indeed, the spread of information technology, which is a key feature of globalization, can provide great educational benefits to marginalized groups and peoples. The opening up of markets can provide economic and employment opportunities and promote development. For globalization to have a proactive and positive impact on racism, however, the profit-driven interests of the private sector must be tempered by State and corporate responsibility.

20. Globalization makes possible the transfer and concentration of enormous wealth into the hands of a few, mostly private corporations, thereby increasing the divide between the rich and the poor. It also increases the digital divide as rapidly developing technologies, such as the Internet, remain accessible to only a privileged few. These economic and digital divides, not surprisingly, occur along colonialism's fault lines: North/South and White/Black. The economic, political and cultural dominance of North America and Europe is maintained, as is the exclusion, marginalization and exploitation of countries and peoples in the rest of the world. At present, the benefits of globalization are by no means globally shared.

21. Globalization is monopolized by the private sector, the primary aims of which, profit and the accumulation of wealth, are often inimical to the aims of good governance through social justice and equity. While aggrandizing the private sector, globalization reduces the role of the State, or rather States abdicate responsibility for regulating the conduct and activities of transnational and national corporations, foreign investors and other non-State actors. The responsibility of the State is clear, as globalization happens as a practical matter through laws and policies at the national level. This is an important point in addressing the phenomenon of

the "race to the bottom", in which poorer countries compete for private investment by lowering their standards, including environmental regulations and social protections that the investors would be subject to in their home countries.

22. Another aspect of globalization involves intellectual property rights. Private corporations are appropriating what were once "common" or freely-accessible resources, such as seeds and extracts from medicinal plants, and turning them into privately-owned commercial products over which the corporations have exclusive rights of use and distribution. Patented medicines, such as treatments for HIV/AIDS - which is now so widespread in Africa and other poor areas of the world that it undermines development and social stability - are priced out of reach for millions of people who desperately need them.

23. Globalization exacerbates the structural, institutional and entrenched patterns of racism that exist within and between countries and regions. Further, it creates new patterns of exclusion, marginalization and exploitation. The excluded are mostly the poor, the black and the formerly-colonized. Their lands, resources and labour are exploited with little gain to them. They lack access to wealth, economic and investment opportunities, employment and safe working conditions, education, information technology, environmental and other legal protections, health care, social services, political power and influence in international affairs and arenas. The excluded are also threatened with the loss of their culture and identity, as society becomes more dominated by the homogenizing effects of globalization.

24. The costs of such exclusion are high, even in purely economic terms. Human, natural and cultural resources are wasted, and potential consumer markets are lost. Cycles of poverty and degradation create resentment, which can lead to diminished productivity and costly violence and conflict. Sustainable economic development will not be possible without global inclusion.

25. Globalization highlights the importance of involving a range of actors and sectors of society in developing a plan of action to address racism and racial discrimination. The role of the State, private corporations and affected communities are all critical, as is the role of multilateral institutions, such as the World Trade Organization and the World Bank. Until recently, the World Bank and other regional and international financial institutions have strongly supported globalization and free-market economics, without due regard to the negative effects on developing countries in general, or on excluded people(s) in such countries in particular. However, institutions like the World Bank have begun to realize both the ethical and economic imperatives of addressing the deleterious effects of unrestricted globalization driven solely for profit.

Immigration

26. While the vast movement of capital, goods and resources is promoted and facilitated by States, the movement of people, generally from poorer areas, countries and regions to richer ones, is strongly resisted, strictly regulated and sometimes even criminalized. Global migration is nonetheless increasing, as is racial discrimination against immigrants, migrant workers, refugees, asylum-seekers and displaced persons.

27. Immigrants are often made the scapegoat for the ills of society, in particular the socio-economic problems of their "host" country. Anti-immigrant bias and xenophobia are frequently propagated by the media and opportunistic political leaders, and are evidenced in restrictive (and racist)[3] immigration policies that curb the flow of certain groups of people, primarily people of colour. For example, in affluent Western Europe, there has been an increasing tendency to formally group "aliens" into three levels of "desirable" immigration: migrants from the European Union and the European Free Trade Association (EFTA) countries, migrants from North America, and the rest. While it is argued that there is no racist intent behind these policies, their effects are obvious - white workers from the rich Western countries are welcome, while people from the developing world are excluded.

28. Migrant workers, such as miners, seasonal workers and domestic servants, are often at the mercy of their employers and are treated as commodities, attracted when needed and expelled when no longer required. In many cases, women migrants are subjected not only to racial discrimination, but also to discrimination and abuse on the basis of their gender. Even if recourse mechanisms are formally available, they may be ineffective because to resort to them would invite retaliation. Children of migrant workers are often without meaningful rights or protections as well.

29. The situation of undocumented ("sans-papiers") migrants is even more difficult. They usually belong to ethnic groups different from the "host" community, and are excluded and discriminated against, not just because of their undocumented status, but because of their ethnicity. They are frequently characterized as "illegal aliens" (although only certain activities, not people, can ever be "illegal"), which is then used as a justification for denying them their fundamental human rights and freedoms, including access to education and basic health and social services. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as of December 1999 (nine years after its adoption), has only 12 ratifications and has not yet entered into force, mainly because it includes protections for undocumented as well as documented migrants.

30. It is estimated that there are at least 80 million international migrants in the world. As stated in article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights". This does not change when a person moves from the place of her/his birth.

Ethnic conflict

31. The most publicized contemporary ethnic conflicts have taken place in the former Yugoslavia and in Africa. However, ethnic conflict is a global phenomenon. Three sets of factors that can be discerned in analysing ethnic conflicts are: historical factors, predisposing factors and triggering factors. One major historical factor is colonialism, which created arbitrary boundaries in colonized territories, artificially dividing population groups, separating communities from basic resources like water and generating "reservoirs of hostility" between ethnic groups who received disparate treatment under colonial rule. The end of the cold war has also returned issues of ethnic conflict to centre stage in Europe.

32. Factors which create a predisposition towards ethnic conflict include demographic factors, such as ethnic composition, migration flow and marriage patterns; socio-economic conditions and relations, such as divisions of labour, disparities in income, and unequal distribution or concentration of resources; political power and representation factors, such as the distribution of State portfolios along ethnic lines, disparities in political representation and participation, and promotion of a mono-ethnic national identity; and cultural factors, such as religion and the media. Typical triggering factors of ethnic conflict are the failure to satisfy the legitimate claims made by ethnic groups for recognition of their separate identity, or the failure to recognize their claims for a fair share in the power and wealth of the country.

33. The historical, predisposing and triggering factors and conditions can often give warnings of potential ethnic conflict. These warnings must be heeded and mechanisms should be established for intervention and prevention at the international, regional and national levels. Also important is a mechanism to undertake ongoing risk assessments and to monitor conditions and trends in areas where ethnic conflict has erupted in the past.

Indigenous peoples

34. Over the past decade, the issue of indigenous peoples has gained in visibility, particularly at the international level. This is due in large part to the growing activism among indigenous peoples, who have been able to achieve the establishment of procedures and forums for international cooperation. They also have had increasing success in accessing and utilizing various international mechanisms, such as the Sub-Commission on the Promotion and Protection of Human Rights, the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the World Bank.

35. However, it is still the case that indigenous peoples in their own countries and regions are among the most marginalized and excluded groups. In some countries, the very existence of indigenous peoples is denied. In many countries, indigenous communities are dealt with in a paternalistic fashion as "the poor", and the racist implications of this treatment is obscured or ignored.

36. A major obstacle to the full realization of equality and inclusion by indigenous peoples is the fact that their most important demands relate to collective rights, including the right to land and resources, to self-determination and autonomy, to development and to practise their culture. Over the past 50 years, the international regime for the promotion and protection of human rights has largely focused on individual rights, leaving the jurisprudence of collective rights comparably under-developed. There needs to be increased attention paid to collective rights at the international, regional and national levels.

37. It is also important that issues concerning indigenous peoples are not only addressed as a distinct and separate category, but are fully integrated into the discourse on racism and racial discrimination. This is necessary in order for effective responses to be developed which address institutionalized racism, globalization, immigration, colonialism, slavery, civil conflict and internalized racism - as they pertain to indigenous peoples.

Recourse and remedies: legislation and litigation (the United States example)

38. The United States has comprehensive laws on racial discrimination, some of the most important of which date back to 1866. These laws are strong on civil and political rights, but do not address economic rights. While the United States example cannot be easily transposed elsewhere, it can be usefully examined to illustrate the factors that make legal frameworks prohibiting racial discrimination effective or ineffective. What is clear from the United States example is that "good laws" are not enough. In order to be effective, several additional factors must be in place.

39. First, the costs and penalties associated with acts of racial discrimination must be significant enough, but not exorbitant, to constitute effective deterrents to the practices. If the penalties for discriminating are unrealistically high, there will be reluctance in applying them to the perpetrator(s). If the penalties for discriminating are predictable and minimal, they will be figured into the "cost of doing business". Thus in United States employment discrimination cases, employers may be willing to risk having to pay an employee's lost wages, but may be deterred by the prospect of punitive damages awarded by a jury.

40. Second, in attempting to change patterns and practices through a litigation strategy, it is important to target the best defendant: the person (or entity) most accountable for the discrimination, or most able to effectuate change. In certain cases, this means that a plaintiff must be able to sue the Government.

41. Third, those who impose the penalties for discrimination should not be solely persons from the group which derives privileges and benefits from the discrimination, or from the system that supports the discrimination. For instance, early United States discrimination and civil rights cases were decided by judges who identified with, and thus sided with the defendants.

42. Fourth, there must be an adequate infrastructure for handling the discrimination cases, including a sufficient number of trained lawyers with sufficient resources and incentives to carry on their work. Such incentives include the possibility of winning attorneys' fees, while not being liable for opposing attorneys' fees in unsuccessful cases, and the possibility of filing class-action suits on behalf of a number of plaintiffs.

43. And fifth, there must be a way to collect admissible evidence of the discrimination. In the United States, professional "testers" will solicit companies or organizations for goods, services or opportunities to show that they are being offered to some people and not to others. The disparate results can then be used in courts of law against the companies or organizations.

44. Even with "good laws" that can be implemented effectively, the limitations of legislation and litigation must be recognized. Racism cannot be eradicated solely by "outlawing" it. Any regulation, prohibition, punishment or recourse for victims, at the national or international level, will only address the manifestations of racism, not its underlying causes nor most of its consequences. Legal, judicial and administrative responses to racism must be complemented by political and socio-economic responses, including those aimed at addressing the root causes of racism.

The role of national institutions

45. National institutions, including human rights commissions and ombudspersons, can play a vital role in ensuring compliance with national and international standards and norms, and in combating racism and racial discrimination. To be effective, however, several requirements must be met.

46. The members of the institution must be representative of the population which they serve, and they must be allowed to determine their own priorities. The institution must be impartial and independent, with safeguards to protect both its credibility and its independence. It must have a broad mandate that allows for effective action, as well as adequate resources to carry out its work.

47. It is difficult, if not impossible, for a national human rights institution to operate effectively in non-democratic systems, such as countries under military rule. The institution should be able to observe and monitor the implementation of the standards it sets. It should be visible and accessible to its constituency, at no or little cost, and should be centrally involved in public education and awareness-raising. The distinction between the national institution and the courts should be clear and, accordingly the institution should issue recommendations as opposed to judgements. It should, however, be able to initiate inquiries and compel cooperation and assistance as necessary.

PART III. RECOMMENDATIONS OF THE BELLAGIO CONSULTATION

48. This section of the report is a synthesis of the proposals and suggestions made during the Bellagio Consultation. It is divided into four sets of recommendations relating to: A. Themes of the World Conference; B. Action and activities; C. World Conference participation; and D. The regional preparatory conference.

A. Recommendations on the themes of the World Conference

A slogan for the World Conference

49. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance needs to have a central, unifying and positive message that captures and promotes the ideals and purposes of the conference. In order to be effective, the message should be short and simple, and easily translated into various languages. The message must also be relevant to, and have resonance with, various cultures, countries and regions. Of the many suggestions made during the Bellagio Consultation, the following proposed central themes were selected:

> "All different, all equal: Combating racism together"

or:

> "Combating racism: Equality, diversity and justice"

Core themes of the World Conference

50. United Nations resolutions on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance have called for the conference agenda to be action-oriented, in order for practical strategies to be developed and for real, concrete results to be achieved. Using as the point of departure the objectives of the World Conference, as stated in resolution 1997/74 of the Commission on Human Rights, recommendations on the conference agenda were made and synthesized during the Bellagio Consultation. The following core themes are proposed topics for working groups at the World Conference.

Theme 1: Forms and manifestations of racism, racial discrimination, xenophobia and intolerance

Sub-issues:

Sources, causes and contributing factors of racism:

The legacy and contemporary forms of colonialism and slavery;

Economic globalization, disparate patterns of development and discriminatory socio-economic policies;

Multiple bases of identity that compound discrimination, such as gender and class;

Entrenched institutional, structural and systemic racism, including persistent disparities in socio-economic development and in political representation and participation;

Xenophobia and discriminatory national immigration policies;

Discrimination based on skin colour;

Ethnic conflicts;

Caste systems;

Religious intolerance;

Hate speech and hate crimes;

Racism in law enforcement and criminal justice systems.

Theme 2: Victims of racism, racial discrimination, xenophobia and related intolerance

Sub-issues:

Indigenous peoples;

Ethnic, national, religious and linguistic minorities;

"Excluded majorities" (such as Afro-Brazilians or Black South Africans under apartheid);

Migrants, refugees, asylum-seekers and displaced persons;

Groups subject to discrimination on the basis of descent (such as the Dalits and the Burakumin);

People of colour in the Americas.

Theme 3: Remedies, recourse, redress and compensatory measures

This core theme would examine ways to address persistent patterns and individual violations involving racial discrimination, including measures at the international, regional, national and local levels.

Sub-issues:

Legislative, regulatory and administrative responses;

Judicial responses;

Political responses;

Socio-economic responses;

Law enforcement and criminal justice system reform;

Special measures and affirmative action;

Reparations.

Theme 4: Strategies to achieve full and effective equality and accountability

This core theme would focus on measures aimed at prevention, promotion and protection, and would involve an examination of how to address the underlying causes and consequences of racism.

Sub-issues:

Achieving full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

Creating effective early warning mechanisms;

Establishing the accountability of non-State actors, including the corporate and financial sectors;

Assessing the costs of exclusion and the benefits of diversity;

Guaranteeing full, effective and equal political participation and self-determination;

Promoting economic, social and cultural rights;

Addressing social behaviour, attitudes, cultural stereotypes and interpersonal discrimination;

Strengthening the role of Governments in promoting diversity, multi-culturalism and tolerance;

Building the capacity of national institutions, non-governmental organizations and civil society to combat racism;

Bridging the "digital divide" by promoting broad-based access to information technology;

Using education, information technology, communications and media to prevent racism and intolerance;

Monitoring and measuring progress.

B. Recommendations for action and activities

51. The participants at the Bellagio Consultation formulated a series of ideas for possible action and activities relating to the themes, possible outcomes and other aspects of the World Conference against Racism. The criteria used in generating these ideas were that they should be practical, concrete and innovative, and that they should have broad-based impact and importance. In addition, the action or activities could occur at the international, regional, national or local level, and could occur before, during or after the actual event in 2001.

52. The format used to develop each idea was to set out the concept, the rationale behind it, the practical steps towards implementation and the implementing partners, or those actors, institutions and mechanisms necessary for carrying out the idea.

Pre-Conference Activities:

The convening, by the Secretary-General of the United Nations, of a series of high-level consultations, including:

> A meeting with the Presidents of all the multilateral and regional development banks, with a view to: (i) issuing a joint statement, to be read at the opening of the World Conference, which speaks to the economic costs of racial

discrimination and exclusion, and pledges a review and evaluation of all institutional programmes and decisions for racial discrimination; (ii) establishing an inter-agency task force on racism and racial discrimination, comprised of high-level representatives of each bank, that would undertake activities in support of the World Conference, including regional research studies and expert meetings and seminars; and (iii) securing a commitment from each bank to assist in funding the World Conference;

A summit with high-level figures of the world's major religious communities, with a view to issuing the equivalents in each faith of an edict on racism, racial discrimination, xenophobia and related intolerance, thereby affirming that combating racism is also an issue of faith;

A meeting with the top executives of the world's major Internet providers, with a view to adopting a voluntary code of conduct and guidelines on hate speech and hate propaganda on the Internet;

A meeting with the top media executives, with a view to obtaining their commitment to be "implementing partners" in a global media campaign to combat racism and to publicize the World Conference.

The launching of an aggressive media campaign at the national and international levels, using television, print and radio. The campaign could include 30-second spots (or "public service announcements") and print advertisements on the topic of racism and the World Conference, as well as a special programme on the International Day against Racism, 21 March 2001. Several international and national networks, such as CNN, the BBC and comparable French, Spanish, Russian, Chinese, Arabic and Portuguese language media outlets, could agree to broadcast for free. Local media providers and networks, including community radio stations, could also be approached for their services.

The development of a global on-line school audience and network for a multi-cultural and anti-racism curriculum, thereby extending the benefits of information technology while using the Internet to promote tolerance and combat racism. One hundred target communities in technology-poor regions and countries could be identified and corporations could be approached to donate the resources, equipment and training necessary to connect schools in those communities to the Internet. An on-line programme could be offered to schools around the world on a weekly basis, starting in spring 2001, and contributions from the students (stories, statistics, surveys), could be posted on-line. The live webcast of the World Conference in South Africa could include on-line hosts to facilitate interaction and allow the various schools to experience the conference.

Conference commitments on actions to be taken:

To formulate national plans of action to combat racism, which, like the global plan of action in the final World Conference document, should include specific and measurable goals; targets, benchmarks and indicators to measure progress; timetables for achieving objectives, and identified resources and mechanisms for implementation and monitoring compliance;

To strengthen the capacity of the Committee on the Elimination of Racial Discrimination to monitor compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. This would include allocating increased resources to facilitate regular in-country visits, consultations with regional and national bodies, and technical assistance to States parties in producing their reports to the Committee;

To appoint a United Nations inter-agency task force on racism, focusing on mainstreaming a programme of action against racism throughout the United Nations system (including all field operations), developing institutional policies and initiatives to combat racism, and promoting the recommendations and plans of action coming out of the World Conference. The task force would be comprised of high-level representatives from UNDP, UNIFEM, UNICEF, UNESCO, Habitat, ILO, UNHCR, and other relevant bodies;

To establish a semi-autonomous United Nations body that would promote research and conduct training programmes on racism-related issues. The research and training centre would publish studies, compile statistics, maintain databases and develop qualitative and quantitative indicators to measure international, regional and national progress in the struggle against racism;

To establish, with the technical assistance of the Office of the High Commissioner for Human Rights, operational units within regional organizations, such as the OAS, OAU and ASEAN, which would focus on combating racism in the region, and which would be similar to the units that currently exist within the Council of Europe;

To create a United Nations voluntary trust fund and the allocation of support, facilities and a platform to give visibility and a voice, at the international and national levels, to victims of racial discrimination, including, but not limited to, the Dalits, Roma and Afro-Latins.

Post-Conference activities:

The launching of a post-Conference publicity campaign, using the media and the Internet to disseminate the ideas, "best practices", recommendations and plans of action coming out of the World Conference;

The facilitation, by the United Nations, of a network of universities around the world to conduct research on issues of racism and engage in cross-cultural exchange and education.

C. Recommendations on World Conference participation

53. The ability of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve its objectives of developing action-oriented and practical strategies will depend on the presence, contribution and participation of all actors and sectors of society that have a stake in this process. The World Conference must not only allow, but actively promote and support the participation of those persons who are most affected, excluded and marginalized by racism and intolerance - and who will have the least amount of resources and the least access to the World Conference and to preparatory activities. The World Conference must also promote the participation of those State and non-State actors and institutions that have an impact or influence, positive or negative, on racism.

54. To this end, the Bellagio Consultation recommends that a panel of testimony from victims of racism, racial discrimination, xenophobia and intolerance, be scheduled on the agenda of the main (government) conference. The objective is to give groups and individuals a platform from which to make their issues, concerns and expectations known and to underscore the purpose of the World Conference and the work that will be undertaken there. The panel will also make visible those manifestations of racism that are currently invisible or are being denied.

55. The Bellagio Consultation also recommends special meetings at the main conference for actors and sectors of society that do not traditionally participate in world conferences but are critical to this World Conference against Racism. These include national institutions, law enforcement and immigration officials, politicians and parliamentarians, municipal authorities and human relations commissions, multilateral financial institutions and development banks, transnational and private corporations, media and Internet companies, trade unions and educational institutions.

56. Affirming the role and status of NGOs as partners in the World Conference process is critical to the overall success and significance of the World Conference against Racism, particularly as Governments will require the mobilized efforts of NGOs to put the World Conference strategies into action. In the discussions on "lessons learned" from the past, participants confirmed that the failure to provide adequately for the contributions of NGOs seriously undermined the objectives and the effectiveness of recent world conferences. They also confirmed that successful outcomes resulted when "best practices" were used which allowed Governments to take fuller advantage of NGO contributions, as in the recent Diplomatic Conference on the Establishment of an International Criminal Court ("Rome Conference").

57. The Bellagio Consultation recommends that the World Conference against Racism follow the successful model of the Rome Conference and ensure that NGOs have the information and assistance necessary for their participation; have adequate time and facilities for meetings; and have access to all main (government) conference meetings and drafting sessions. In order to ensure that all relevant actors are allowed and encouraged to participate in the World Conference process, the Bellagio Consultation recommends that the Economic and Social Council and the General Assembly adopt the following draft resolution on guidelines for conference participation:

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should provide the opportunity to participate to all persons who are affected by, or have an impact on, these issues. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be open to the widest possible participation of Governments, national institutions, non-governmental organizations (NGOs), grassroots organizations, organizations of indigenous peoples or minorities, community-based groups, cultural or religious institutions, and other sectors of civil society, including:

(i) Any NGO in consultative status with the Economic and Social Council;

(ii) Any NGO or group accredited to participate in the regional or preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(iii) Any NGO or group which participated in any of the United Nations world conferences, or their regional or preparatory meetings, held in the past 10 years, including the Diplomatic Conference on the Establishment of an International Criminal Court and its preparatory meetings;

(iv) Any NGO or group which has participated in the sessions of the Commission on Human Rights, the Sub-Commission on Human Rights, or any of their Working Groups;

(v) Any other NGO or group which has an interest in the subject matter of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, can provide the Secretariat with a copy of its constitution, and can demonstrate that it is committed to the purposes and principles of the United Nations, may participate if it applies in writing to the Secretariat.

D. Recommendations on the regional preparatory process

58. In addition to broad-based participation at the World Conference against Racism, another significant factor that will determine the overall impact of the World Conference is the regional preparatory process. Most of the substantive work on the World Conference agenda, issues and goals must be completed before the actual conference in 2001. Regional preparatory activities are the vehicle by which specific problems of racism can be identified, “best practices” and successful models for combating racism can be examined, concrete strategies can be formulated, and consensus and broad-based participation can be mobilized.

59. Regional preparatory activities, including preparatory conferences, expert meetings and consultation and satellite meetings, should be strongly urged and supported by the World Conference Preparatory Committee, and adequate resources should be allocated to hold them, as a necessary part of the World Conference. The regional preparatory conferences should be inward-looking and should result in concrete and practical plans of action, with attending mechanisms for implementation, that can be fed into the World Conference, as well as pursued independently in the region.

CONCLUSION

60. There has been progress made in the struggle against racism - the host country of the World Conference, South Africa, providing the most obvious recent example. However, serious and systemic problems still persist. These problems are global, but they require specific strategies, concrete goals and committed action at the international, regional, national, local and individual levels. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is an important opportunity to build upon the achievements of the past and provide a global vision for the future - a vision of a world without racism that embraces all people and that promotes equality, diversity and justice.

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Notes

[1] The report of this meeting, entitled The Persistence and Mutation of Racism, is due to be published in February 2000.

[2] Importantly, the Convention provides that "special measures", such as affirmative action, taken for the purpose of securing equality for certain groups, do not constitute racial (or "reverse") discrimination.

[3] Although distinctions made by States between citizens and non-citizens are excluded from the operation of the International Convention on the Elimination of All Forms of Racial Discrimination (by article 1.2), such distinctions can still constitute racial discrimination, albeit outside the purview of the Convention. In fact, the Committee on the Elimination of Racial Discrimination has found that discrimination in the *granting* of citizenship can fall within the ambit of the Convention.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/11
10 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment

Report of the Secretary-General

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Introduction

1. In its resolutions 52/111 and 53/132, the General Assembly requested the Secretary-General to continue the study made in 1987 on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment and to submit specific recommendations for the implementation of measures to combat the effects of that discrimination.

2. Acts of racial discrimination are identified on the basis of the definition of racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 1 states that racial discrimination refers to "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". In particular, racial discrimination includes a distinction that has either the purpose or the effect of impairing particular rights and freedoms.[1] Similarly, racial discrimination includes an action that has an unjustifiable disparate impact upon a group distinguished by race, colour, descent or national or ethnic origin.[2] The definition was chosen as the foundation of this report on the basis that the Convention has been widely accepted by the international community as the major human rights instrument relating to racial discrimination.[3]

3. The identification in this report of acts of racial discrimination and their effects relies on the application of this definition to the contents of the initial and periodic reports to the human rights treaty bodies and their concluding observations thereon. The study also draws on specific examples of racial discrimination from both United Nations and major non-governmental organization (NGO) sources as a means of illustrating the issues identified by the committees.[4] In particular, reference is made to the reports of the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Rights of the Child (CRC), and to a lesser extent, the Committee on Economic, Social and Cultural Rights (the treaty bodies). The review of treaty body reports covers a period from 1994 to late 1999. The treaty body reports were chosen as a source of information on the basis of their status as an authoritative collection and analysis of information supplied by States parties pursuant to the major international human rights instruments in the field.[5]

4. The report does not rely on any particular definition of "child", "migrant worker" or "minority". Instead, the review of the treaty body reports merely extracted information where those terms appear, as used by the treaty body themselves.

I. THE EFFECTS OF RACIAL DISCRIMINATION ON CHILDREN OF MINORITIES AND MIGRANT WORKERS IN THE FIELDS OF EDUCATION AND TRAINING

A. Acts of racial discrimination

5. Racial discrimination against children in the field of education and training manifests itself in many ways. It can be institutionalized in education policy, or it can result from the

actions of individuals - teachers, other figures of authority or fellow students. It can be overt, in the sense that a policy or action actively prejudices certain children, or it can be covert, where, for example, a failure to take action or change policy causes racial discrimination against a child.

6. It is impossible to provide a comprehensive list of the categories of acts that constitute racial discrimination against migrant or minority children in the field of education and training. Research in this area is scant, and tends to focus on some countries or minorities to the neglect of others. Statistics and other relevant data are even more sparse. Statistics that specifically target children of migrants and minorities are uncommon, while statistics that target children generally are only rarely disaggregated according to racial, ethnic, minority or migrant status.[6]

7. This lack of research and data makes it difficult to identify the phenomenon of racial discrimination against children throughout the world with any precision. The following list of acts constituting racial discrimination is therefore not intended to be exhaustive. Instead, it draws upon those sources that are available and reliable in order to illustrate to some extent racial discrimination in this field.

8. Education policy that attempts to assimilate minority and migrant children within the majority can be one of the most damaging forms of racial discrimination and can lead to a denial of the rights to culture, to education and to freedom of expression. Indigenous peoples have been particularly hard hit by the assimilation policies of many Governments. This fact was noted during the sixteenth session of the Working Group on Indigenous Populations in 1998 which had as its focus education and the language of indigenous peoples.[7] Representatives of many indigenous communities referred to assimilation policies in education that emphasize use of the official language in schools. The exclusion of indigenous languages denies the link existing within many indigenous cultures between language, culture and land; further, it denies the specificity of local educational systems in addressing the needs of indigenous communities for their survival.

9. Assimilation policies practised by some States have been particularly repressive. Assimilation policies forced on Kurdish minorities are a case in point. Currently, in one country, teachers can be arrested for acknowledging the existence of Kurdish language and culture.[8] In the same country, Kurdish children have been beaten for speaking Kurdish instead of the mainstream language at school, even in situations where they could think of a particular word only in Kurdish.[9]

10. Similarly, education policy that overemphasizes the majority culture, history or language in school curricula can actively promote or produce racial discrimination. For example, in one country in South Asia that is populated by disparate religious minorities, history texts have been revised to promote the perception that some minorities, in particular Muslim minorities, are non-indigenous outsiders. This denies the reality that the overwhelming proportion of Muslims and other religious minorities in the country are from indigenous backgrounds that at one stage or another chose to convert to religions outside the mainstream.[10] The revision of curricula in this way leads to racial discrimination on several levels. First, members of a purely religious minority are denied their national origins through a redefinition that labels them non-indigenous. Consequently, religious minorities suffer an added layer of social exclusion from mainstream

society as national or even racial minorities. Further, the racist stereotyping and targeting of Muslims as "fanatics" can, in turn, create an environment that is likely to foster or promote higher levels of xenophobia and racism.

11. The segregation of minority and migrant children from mainstream classes can also constitute an act of racial discrimination. CERD, in particular, has noted the practices in some States of the segregation of children on the basis - either in part or in whole - on their identification with minority or migrant communities. Practices noted have included: (a) the segregation, without proper justification, of children into special schools for the mentally handicapped; (b) the separation of children into remedial classes without their or their parents' consent; (c) the separation of children at meal times; (d) the separation of children when they matriculate through requiring them to graduate at different ceremonies.[11] For example, in Europe, while many Roma children do study in mainstream public schools together with non-Roma children, they are often forced to sit in the back rows of the classroom. Similarly, non-Roma children are discouraged from befriending Roma children as majority opinion holds that "they do not come from a good family".[12]

12. Another manifestation of racial discrimination against the children of minorities and migrant workers is the denial of access to education and training. The denial - on the basis of race, colour, descent, national or ethnic origin - of the right of children to access education and training has been noted by CERD and by the Committee on the Rights of the Child (CRC).[13] For example, in the case of some minority communities, the committees have observed that there are insufficient schools in the area or region to cope with the number of children in the communities.[14] Even where there are sufficient schools in the community, in some cases, a failure to subsidize education sufficiently can mean that children are unable to access education as parents cannot pay the costs associated with sending children to school.[15]

13. In some cases, racial discrimination occurs through the inclusion of racial stereotyping in educational and training materials. For example, a textbook used in one European country to teach children the alphabet is translated as follows: "the Gypsy has stolen the goose". By placing a racially discriminatory comment in the general educational context in this way, children are taught to accept racial stereotyping as the norm, or as the truth. Exposing children to racial stereotyping, especially at an early age, consolidates racial discrimination and perpetuates racial stereotypes as a norm within a society.[16]

14. Racist violence constitutes an extreme form of racial discrimination with serious consequences for the enjoyment of human rights by children. Violence against minority and migrant children can be inflicted by government authorities or by other children. In Europe, growing racial tensions in the community generally are being mirrored by increasing racism and the use of violence amongst children at school.[17] On another level, foreign occupation can dramatically increase the vulnerability of children to official racist violence. A recent report on children in one country of the Middle East notes that military occupation authorities had continued raiding schools and institutions attended by minority children throughout 1997 and 1998.[18]

15. Acts of racial discrimination are not confined to active discrimination against minority and migrant children. The failure to act or prevent racial discrimination can also be considered

an act of racial discrimination. Thus, the failure to prevent racial discrimination through education and training and even the failure to address issues relevant to the enjoyment of human rights by children of minorities and migrants can constitute racial discrimination in certain cases. Such acts can include the failure to provide school and training curricula that are relevant to the needs of the children of minorities and those of migrant workers. These acts will be acts of racial discrimination where the failure to act can be considered a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that denies those children human rights that are enjoyed by children from the majority - for example, equal enjoyment of the right to education, the right to freedom of expression, the right to culture and so on.[19] Such acts of omission include: (a) the failure to provide bilingual classes where appropriate; (b) the failure to provide additional classes in the official language where children are having difficulty following classes because of language problems; and (c) the failure to reflect cultural diversity in school and vocational training curricula.

16. Another act of omission which might amount to, or can lead to racial discrimination against children of minorities or migrant workers is the failure to provide teacher training that addresses the particular needs of the culturally diverse classroom. Racial discrimination can result from the absence of specific training for teachers that sensitizes them to issues of cultural diversity as well as enabling them to combat racial discrimination in the classroom. Teacher training in cultural diversity can assist teachers to dispel racist myths that could appear in the classroom. Further, teachers who have been sensitized to different cultures have a greater capacity to deal with racial tensions in the classroom and to offer support to minority children.[20]

17. Similarly, the failure to provide adequate finance to support education for all children, including special programmes for children from minority or migrant backgrounds, can amount to racial discrimination. In one European country, CERD discouraged targeting special programmes for the children of minority and migrant backgrounds for budget cuts.[21] CERD noted that austerity measures affected remedial instruction that was particularly important to the minority group. Where austerity measures have an unjustifiable impact upon the enjoyment of the human rights of a particular group such as a minority or on migrants, such measures are racially discriminatory.

B. The effects of racial discrimination

18. Racial discrimination in the fields of education and training can have diverse effects on children. Importantly, the effects of racial discrimination can differ in accordance with many factors, especially the personal aptitudes of particular children as well as their socio-economic and cultural backgrounds. The subjectivity of the effects of racial discrimination, together with the lack of research undertaken in this area and the lack of data on children disaggregated by race and ethnicity, make it difficult to identify definitively the effects of racial discrimination on children. The following section identifies some of the possible effects that might flow from the acts of racial discrimination identified above.

19. One of the most identifiable effects of racial discrimination in education and training is the negative impact it has on the performance of children at school. The failure to address the needs of minority children and those of migrant workers through, for example, combating racial stereotyping or through formulating school curricula that include modules on minority languages

and cultures, can lead to school curricula which lack relevance for those children. As a result, children may lose interest and become bored at school which in turn increases the risk that children will drop out early or even fail to attend school at all.[22] The failure to provide curricula adapted to the specific needs of the children of minorities and migrant workers can also lead to low literacy rates amongst these groups.[23] Similarly, where a child does not have an adequate grasp of the official language, the failure to provide additional language classes in the official language and to provide classes in minority or migrant languages could have the effect of retarding the progress of those children through school.

20. While it is not possible to draw definitive links between racial discrimination in education and the performance of minority children at school, recent statistics indicate a disparity between general attendance and performance levels of minority children and those of the general population.

21. For example, school attendance rates for Roma in one European country are consistently much lower than the national averages. According to recent statistics there, over 20 per cent of Roma children receive no formal education at all and 30 per cent of children in the 7-10 age group do not attend school. While poverty is one reason for the low rates of attendance, the report identifies the "stigma" attached to being Roma as a significant reason for low attendance rates at school.[24]

22. The lower attendance rates of Roma tend to be mirrored in statistics that are available concerning migrant children. In one northern European country, for example, the drop-out rate for national students at secondary school level was only 4.5 per cent while for migrant children, the rate was considerably higher at 45 per cent.[25] In another European country, attendance at upper secondary school in 1997 was 89 per cent generally; however, only 50 per cent of migrant children were attending upper secondary school.

23. Indigenous children, in particular, have alarmingly high rates of non-attendance at school. In two Latin American countries with significant indigenous populations, 70 per cent and 56 per cent respectively of the indigenous populations did not attend school. In the second of these countries, 65.5 per cent of the indigenous communities did not have schools at all.[26]

24. In South-East Europe, where most countries have significant minority populations, the lowest attendance rates at school are of children of ethnic minorities although in some countries this situation is improving. In the former Yugoslav Republic of Macedonia, where the ethnic mix includes Macedonian, Albanian, Turkish and Serbian groups, the numbers of ethnic Albanians attending school to secondary level is increasing, although there is still a disparity with the majority Macedonian population. While the percentage of Macedonian and Albanian children at primary school is 68.48 per cent and 29.94 per cent respectively, at secondary school, the percentage rates are 85.29 per cent and 14.04 per cent.[27]

25. Even where children attend school, there can be marked differences in performance. In North America, African American, Hispanic and indigenous populations consistently lag behind White and Asian students in proficiency tests.[28] While the reasons behind low performance rates

among children belonging to these communities are complex, racial disparities and the failure of national education policies to address the needs of these communities must be considered as contributing factors.

26. A potential long-term effect of failing to provide adequate curricula for all children can be the exclusion of children from certain levels of opportunity in society later in life. For example, racial discrimination against children in education and training can affect the capacity of children to proceed to tertiary education.[29] Similarly, racial discrimination in education and training diminishes the employment prospects of children. In some communities, racial discrimination in education can weaken the chances of the affected children finding work later in life, leading to higher than average unemployment rates in the community.[30] In this way, racial discrimination in education and training creates a sub-class of citizens within society which in turn could lead to further manifestations of racial discrimination.

27. Another long-term effect of racial discrimination is that children learn to accept acts of racial discrimination as the norm. Such learnt behaviour can lead to the consolidation of racial discrimination within society as the norm, with children of minorities or migrants growing up and discriminating against the newest influx of migrants. Thus, a vicious cycle of discriminatory behaviour is produced which reinforces racially discriminatory behaviour.

28. The forced segregation of children of minorities and migrant workers from other children can have serious negative effects on the capacity of these children to integrate with other children and into the society in general. In particular, segregation of children into schools for mentally handicapped children can severely retard the child's progress through school and can affect his or her self-image. It has been noted by CERD that forced segregation of children can result in children never learning properly, with predictable negative long-term effects.[31] The effect of racial discrimination has, unsurprisingly, been an increasing level of illiteracy amongst certain groups.[32]

29. Another effect of racial discrimination can be the loss of minority and migrant cultures themselves. Racial discrimination can lead to a lack of respect for the language and culture of a minority or migrant culture and might discourage instruction of children of these communities in particular languages and cultures. In some cases, this can lead to disinterest in maintaining minority or migrant languages and cultures, a desire to integrate too rapidly with the dominant culture and the eventual loss of cultural identity and diversity.[33] The resulting inability to communicate effectively in traditional languages along with an incomplete grasp of the official language creates a class of children that are torn between two cultures, being part of neither.[34] For some children, the effects of racial discrimination can have serious psychological implications. Forced to participate in the dominant culture at school and then readjust to their own culture at home, children inevitably face a conflict in loyalties that can give rise to profound psychological and identity problems.

30. In particular, the assimilation policies in education of many Governments continue to have particularly devastating effects on children, and in particular those from indigenous cultures. Assimilation policies break the transition of culture and language from older to younger generations which has the effect of alienating indigenous children from their society and

engendering an identity crisis within indigenous communities.[35] A UNICEF report of 1997 noted that standardized education for indigenous children in Australia and Canada had led to a traumatizing loss of identity and a predisposition to despair and even suicide.[36]

31. The failure to foster minority cultures and combat racial discrimination through education and training misses a fundamental opportunity to combat racial discrimination and ultimately detracts from the education of the majority as well as of minorities and migrants. Under article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties undertake to adopt measures in the field of education with a view to combating prejudices that might lead to racial discrimination. A fundamental element of combating racial discrimination through education is the sensitizing of all cultures - majority and minority - to the particularities of a culturally diverse society. In this way, the education system can foster a learning environment of harmony between cultures and respect for diversity. This in turn is important not only in redressing racial imbalances in the education system, but in combating prejudices that could lead to future manifestations of racial discrimination.

32. The failure to sensitize the majority to cultural diversity through, for example, instruction in the history, culture, religions and languages of minorities and migrants, can lead to an overemphasis of the relevance of the majority culture and an undervaluing of alternative cultures. Children are therefore ill-equipped to understand and cope with the diversity present in society which in turn could increase fear and intolerance. Alternatively, instruction in minority and migrant cultures and languages can benefit children, including those of the majority, by broadening their world view, improving their understanding of the demography of their own country, and fostering a deeper appreciation of the other cultures around them.[37] Moreover, the teaching of minority and migrant cultures to all children helps create an environment that actively includes these children, first of all in the classroom, and then in the society generally.

33. This fact has recently informed education policy in some countries.[38] For example, in Italy, education policy has moved beyond multicultural education that targets different ethnic groups with specific education programmes, to intercultural education which encourages all students to consider diversity as valuable through viewing culture comparatively.[39] Intercultural education in Italy has been developed within the framework of a policy of Education for Development which has been implemented since 1975. Education for Development, rather than adding a new subject to existing curricula, encourages curiosity amongst students and promotes dialogue on cultural diversity.[40] With the increase of immigration in the 1980s, matters relating to immigration, racism and the education of immigrant children have gained prominence in Education for Development activities.

34. When put into practice, intercultural education requires a revision of existing curricula. On an operational level, history, literature and geography curricula have to be extended to cover different ages, regions and writings. On a practical level this requires revision of texts, training of teachers and the involvement of all people involved in education, from the school to community groups, parents and teachers.[41] While results of implementing the policy have been mixed, intercultural education is a significant step in recognizing the need for the majority culture to adjust as part of the intercultural experience.[42] This fact is key in combating racial discrimination in education and in society generally.

II. THE EFFECTS OF RACIAL DISCRIMINATION ON CHILDREN OF MINORITIES AND MIGRANT WORKERS IN THE FIELD OF EMPLOYMENT

A. Acts of racial discrimination

35. Again, there has been a general lack of research on racial discrimination against children of minorities and migrants in the field of employment, resulting in a paucity of available data. One possible explanation is that many of the effects of racial discrimination in employment are relevant to both children and adults, and so researchers have not restricted their terms of reference solely to children. Another reason is that much research regarding children and employment focuses on child labour - in other words, the struggles faced by children who are employed under an age legally accepted by the international community. Child employment can therefore be categorized as the employment of under-age children - child labour - and the legal employment of people who are under the age of 18. It must be emphasized that in focusing on racial discrimination in both these categories of children, this report in no way endorses the employment of under-age children.

36. In relation to the question of child labour - that is, the use of under-age workers from migrant and minority backgrounds - CRC has noted cases of employers targeting children of minorities and migrant workers as under-age labour.[43] While child labour itself is not considered a question of racial discrimination, where employers are taking advantage of the children on the basis of their vulnerability as members of minority or migrant communities, then the issue of child labour can also be seen as a problem of racial discrimination.[44]

37. In some situations, economic exploitation of the children of minorities and migrants has extended to sexual exploitation. For example, CRC has noted the problem of trafficking children across borders for sexual and economic exploitation.[45] In these situations, racial discrimination - the abuse of the vulnerability of children due to their race, colour, nationality, descent or ethnicity - is exacerbated by the trauma caused to the child as a result not only of economic but also sexual exploitation.

38. States have a responsibility in these situations to ensure that domestic law and practice comply with the relevant Conventions, including those of the International Labour Organization in relation to the employment of minors.[46]

39. Other manifestations of racial discrimination facing child workers of minority or migrant backgrounds relate to people under the age of 18 legally employed according to international standards. Such acts of racial discrimination include: (a) employers giving preference to job seekers from the majority background in their hiring policy; (b) employers offering lower wages to children on the basis of their status as minority or migrant workers; (c) employers offering poorer terms of employment to child workers on the basis of their status as minority or migrant workers; (d) abusive treatment of migrant or minority child workers on the basis of their race, colour, nationality, descent or ethnicity either by employers or co-workers; (e) promotions being influenced by racial criteria; and (f) child workers from minority and migrant backgrounds being unfairly dismissed or being targeted for redundancy programmes.[47]

B. The effects of racial discrimination

40. Racial discrimination, when combined with child labour, can have serious consequences for minority and migrant children. For example, the targeting of children from minority and migrant backgrounds can encourage children to drop out of school early. While this might be as a result of a need to combat poverty, in the long term it could affect the chances of those children in adult life to be promoted because of a lack of sufficient schooling. As children belonging to migrants and minorities are disproportionately from poor backgrounds, this could have the effect of reinforcing cycles of poverty.[48] The sexual exploitation of minority and migrant children can also lead to psychological problems and, as a result, even greater difficulties integrating into society later. Further, sexual exploitation of children can in turn lead to those children learning abusive behaviour and practising it on other vulnerable children later in life.

41. Racial discrimination in the workplace can have serious effects on the careers of the children of minorities and migrant workers. Racially discriminatory hiring practices by employers, for example, can have the effect of decreasing the employment prospects of children from minority and migrant backgrounds.[49] Where minority and migrant children are offered fewer opportunities and poorer terms of employment than other employees, hardship in the workplace is increased. For example, where there is a dispute with the employer, weaker terms can reduce the bargaining power of the employee. Similarly, where minority and migrant children are relegated to jobs with lower rates of remuneration or fewer opportunities on the basis of their race, colour, nationality, descent or ethnicity, this can impede upward mobility and diminish their capacity to advance economically in later adult life.

42. Racial discrimination in the workplace can impact psychologically on affected children. For example, it can lead to social isolation which can result in depression. Where employees are victimized, racial discrimination can cause stress, anger and fatigue which eventually can detract from the quality of work. Where discrimination results in employees being passed over for promotion on the basis of their race, colour, nationality, descent or ethnicity, the employee might suffer a lack of motivation. For children entering the workforce upon reaching working age, the effects of racial discrimination can have a profound effect and mark their careers for years to come.

III. RECOMMENDATIONS

43. There is currently a lack of information and data related to children that is disaggregated according to race, minority or migrant status. As a result, thorough analysis of the effect of racial discrimination against minority and migrant children in education, training and employment is currently precluded. The major focus of these recommendations therefore is to encourage the systematic collection, exchange and analysis of data at the national, regional and international levels to assist the development of effective policies and strategies to combat racial discrimination against children of minorities and migrant workers in the areas of education, training and employment.

A. Collection of information

44. The organization of statistics and indicators and their disaggregation by migrant, racial, national, ethnic or minority background will significantly improve the identification of problems and the development of policy at the national, regional and international levels. States should therefore be encouraged to collect and disseminate data specifically related to the situation of children of minorities and migrant workers in education, training and employment including data on the age of school-leaving, literacy levels, participation of specific groups in vocational training, and rates of unemployment in comparison to the general community with a breakdown by gender and minority or migrant groups.

45. States having difficulty collecting data should consider seeking technical assistance for that purpose from the United Nations system or other appropriate international organizations.[50]

46. National human rights commissions, race relations commissions, children's rights bodies or other relevant institutions should include in their mandates the study and collection of data on the situation of racial discrimination against the children of minorities and those of migrant workers in the fields of education, training and employment. National institutions are further encouraged to promote the active participation of civil society, especially minority and migrant groups, in the process of information collection and exchange.

47. United Nations treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, should consider systematically placing specific emphasis, beyond present levels, on the examination of racial discrimination against the children of minorities and those of migrant workers in the fields of education, training and employment.

48. NGO coalitions and representative organizations of minority and migrant communities are encouraged to gather and prepare information for treaty bodies on country situations as they relate to the situation of racial discrimination against the children of minorities and migrant workers.

49. The Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and on the human rights of migrants should consider focusing specific attention on the situation of the children of minorities and migrants in the fields of education, training and employment within the terms of their respective mandates.

50. International organizations that collect data on education, training and employment, and on children generally, including ILO, UNDP, UNESCO, UNICEF and OHCHR, as well as international non-governmental organizations, should consider breaking down data according to national, ethnic or migrant background where possible. The availability of such information will be an important contribution to further research done in the area of human rights by international and non-governmental organizations alike.

B. Exchange of information

51. States parties should make disaggregated statistical data on minority and migrant children available to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, where this is not already the case.

52. Studies and data collection undertaken by NGOs, labour unions, national human rights institutions, race relations commissions and government departments such as labour ministries should be provided to appropriate regional and international forums. In particular, information on best practices on ways of preventing and combating racial discrimination should be made available regionally through relevant regional organizations such as the Council of Europe, the Organization of African Unity and the Organization of American States, as well as internationally through United Nations bodies such as OHCHR and UNICEF and specialized agencies such as ILO.[51]

C. Research

53. Vocational training centres and universities should be encouraged to contribute to the collection and analysis of data through empirical research at the country level on the effects of racial discrimination against children. Similarly, vocational training centres and universities should develop courses dealing with racial discrimination in education, training and employment. Such research and course work should be developed partly with a view to contributing to the identification of appropriate national strategies to combat racial discrimination against children.

54. The United Nations Secretariat and the specialized agencies should consider undertaking a study on the use of the Internet as a positive force in assisting the children of minorities and migrant workers to overcome the problems of racial discrimination. Such a study should build on the conclusions of the 1997 Expert Seminar on the Role of the Internet in light of the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.[52]

55. The United Nations Secretariat and the specialized agencies should consider undertaking empirical studies to improve the availability of information and data concerning the effects of racial discrimination in the workplace as it affects the children of minorities and migrant workers.

D. Policy development

56. States should be encouraged to develop policy in the area of education and training through the implementation of the following:

(a) A code of conduct against racial discrimination. States should encourage employers, employees, minority and migrant communities, civil society, trade unions and other relevant organizations and individuals to formulate codes of conduct to prevent and combat racial discrimination in the workplace;

(b) Affirmative action schemes. States should be encouraged to introduce and implement effectively affirmative action schemes to ensure increased employment opportunities for members of traditionally disadvantaged minority and migrant communities in both the public and private sectors and to advance the social, political, economic and educational status of members of these communities.[53] Affirmative action schemes should include the objective of achieving equality of opportunity and parity in employment levels between all groups, minority and majority;

(c) Minimum age. States should clearly indicate in legislation and regulations the minimum working age to assist in ensuring that the children of minorities and migrant workers are not exposed to racial discrimination by being targeted, because of their vulnerability, as child labour. States should provide for labour inspectors to conduct spot investigations of enterprises to check compliance with minimum age requirements. Special focus is needed on those industries that have a greater tendency to employ under-age workers, particularly from migrant backgrounds.[54] Special attention should be paid to ensuring economic opportunities and alternatives for families and communities at particular risk;

(d) Rights awareness. Information relating to human rights, specifically rights concerning racial discrimination as well as labour rights, should be made available to employees in both the public and private sectors and should be visibly posted in the workplace in both official and minority or migrant languages. Information, such as the texts and explanations of the relevant international and regional Conventions, should also be made available to minority and migrant groups, relevant government officials, and to employers and trade unions;

(e) Targeting employers. Labour ministries should seek out employers willing to engage employees from minority or migrant backgrounds, as a step in establishing employment schemes targeted at working-age children of minorities and those of migrant workers experiencing higher than average unemployment rates.

57. Education policy should be developed to promote intercultural education with the objective of promoting tolerance and understanding between all cultures, whether minority or majority. Curricula developed for the teaching of minority and migrant history, culture and languages should not be restricted to children from particular minority or migrant communities. All children, whether or not they are from minority or migrant communities, should have instruction in minority and migrant culture, history, customs and religions and, where practicable, language, as a means of promoting respect and understanding for all individuals and communities represented in a particular State.

F. Treaty ratification

58. All States should be encouraged to ratify all the principal human rights instruments.[55] In particular, States should be encouraged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families so that the latter can come into force as soon as possible.[56]

59. States that have already ratified the principal human rights instruments should be encouraged to implement them rigorously and to ensure that reservations are kept to a minimum and do not detract from the Convention's overall objectives.

Notes

[1] See general recommendation XIV adopted by the Committee on the Elimination of Racial Discrimination at its forty-second session, 1993. In "Compilation of general comments and general recommendations adopted by human rights treaty bodies" (HRI/GEN/1/Rev.3), para. 1.

[2] Ibid., para. 2.

[3] There are currently 155 parties to the Convention.

[4] See "Study on the effects of racial discrimination in the field of education, training and employment as it affects the children of minorities, in particular those of migrant workers" (A/42/492), report of the Secretary-General, 22 September 1987; Sandro Costarelli, Children of Minorities: gypsies, Innocenti Insights 1, UNICEF International Child Development Centre (ICDC), Florence, Italy, 1993; Paolo Basurto, Deprivation and Discrimination, Innocenti Insights 2, ICDC, 1995; Rodolfo Stavenhagen, Double jeopardy: the children of ethnic minorities, Innocenti Occasional Papers, Child Rights Series 10, ICDC, 1994; Maggie Black, Children and Families of Ethnic Minorities, Immigrants and Indigenous Peoples: Global Seminar Report, Innocenti Global Seminar 7, Florence, Italy, ICDC, 1997; Minority Rights International and UNICEF, Education Rights and Minorities, ICDC, 1994; ILO, "Minority Workers", report III (1B), International Labour Conference, 87th session, 1999.

[5] These and other international instruments relevant to the field include the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, ILO Convention (No. 111) on Discrimination in Respect of Employment and Occupation, ILO Convention (No. 143) Migrant Workers (Supplementary Provisions) Convention, and the UNESCO Convention against Discrimination in Education.

[6] For example, The State of the World's Children 1999, which focused on education, sets out statistics concerning children's education on a country-by-country basis according to literacy, number of students per 1,000 population, primary school enrolment and secondary school enrolment. These, however, are not broken down according to different national, ethnic, racial, religious, linguistic or other relevant groupings.

[7] See report of the Working Group on Indigenous Populations on its sixteenth session (E/CN.4/Sub.2/1998/16).

[8] Minority Rights Group International and UNICEF, supra note 4, p. 31 f.

[9] Ibid., p. 32.

[10] Ibid., p. 26. For example, in India new history texts were prepared for use in States controlled by the sectarian Bhartiya Janata Party. The MRG study quotes K. Kumar, "Hindu revivalism in north-central India", in M.E. Marty and R.S. Appleby (eds.) Fundamentalism and Society, University of Chicago, 1993, p. 555, which states "The revivalists depict the Mughals as foreigners and oppressors, and interpret Indians' achievement of freedom from English rule as but the latest episode in a long ongoing struggle to free India from foreign influences. Muslims are, by this interpretation, the contemporary incarnation of the Mughal pattern of dominance".

[11] See Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15), 15 January 1999, para. 83. The Special Rapporteur noted that in the Czech Republic, Slovakia and Hungary, for example, disproportionate numbers of Roma children are relegated to second-class educational facilities - special schools - designed for pupils said to be suffering from intellectual or behavioural deficiencies. The result is a system of de facto racial discrimination in education. See also the fourteenth report of Finland to CERD (CERD/C/320/Add.2), 20 July 1998, which noted that decisions to transfer Roma children in Finland to special schools are often made on too slight grounds.

[12] Save the Children UK, Denied a Future? The Right to Education for Roma, Gypsy and Traveller Children (to be published later in 2000).

[13] See e.g. the observation by CERD that a large number of Haitians living in the Dominican Republic and subjected to different forms of racial discrimination, including the denial of basic economic and social rights such as the right to education; the Committee noted that darker-skinned Dominicans also suffered racial discrimination (see CERD/C/55/Misc.53/Rev.1, 31 August 1999) . See also the country analysis of Costa Rica by CRC (CRC/C/A/COS/2), 17 September 1999, which noted the situation of Nigaraguans living in Costa Rica for whom a main issue of concern was access to education.

[14] In its periodic report to CRC (CRC/C/65/Add.2), 20 February 1998, the Government of Honduras noted in respect of Honduras that many indigenous children and children from ethnic groups had no access to primary education as there was no school in the community. Similarly, in the case of Cambodia, minorities in mountainous regions suffered from low levels of instruction (see CRC/C/11/Add.16, 24 June 1998).

[15] CRC/C/65/Add.2, ibid.

[16] Minority Rights Group and UNICEF, supra note 4, p. 31.

[17] See Susanne Glending, Denmark and the Convention on the Rights of the Child, Red Barnet (Save the Children Denmark).

[18] Defence for Children International, Rights of Palestinian Children in Times of Peace, DCI/Palestinian Section, Ramallah, 1999.

[19] See the ninth report of Colombia (CERD/C/332/Add.1), 17 November 1998, which noted that the indigenous content of school curricula was inadequate. Further, the periodic report of Honduras to CRC (CRC/C/65/Add.2) stated that the languages of indigenous peoples and ethnic groups were not spoken in class, which had the effect of favouring the majority culture and failing to develop other cultures and customs.

[20] See e.g. European Roma Rights Center, Roma Rights, Newsletter of the European Roma Rights Center, Roma and the Right to Education, Budapest, summer 1998.

[21] See the ninth report of Finland to CERD (CERD/C/320/Add.2).

[22] See e.g. eighth report of Portugal to CERD (CERD/C/314/Add.1), 17 November 1998.

[23] See the ninth report of Colombia to CERD (CERD/C/332/Add.1) which noted that schools were not incorporating indigenous communities' socio-cultural features into school curricula or providing primary education in the communities' mother tongues. Illiteracy rates amongst the indigenous were 44 per cent.

[24] Save the Children, Children's Rights: Reality or Rhetoric? The UN Convention on the Rights of the Child: The First Ten Years, The International Save the Children Alliance, London, United Kingdom, p. 240.

[25] Ibid., p. 258.

[26] Basurto, supra note 4, p. 79. The statistics quoted relate to the 1993 indigenous census of Colombia and the 1992 indigenous census of Venezuela as well as other statistics covering indigenous communities in Guatemala, Bolivia and Chile.

[27] Ibid, p.193. The report notes that the former Yugoslav Republic of Macedonia pursues a forward-thinking education policy in providing most students with the opportunity of studying in their own language. However, the report also notes that the system hinders the development of multiculturalism and fails to address the issue of inter-ethnic tolerance.

[28] Ibid., p. 274.

[29] See e.g. ninth report of Colombia to CERD (CERD/C/332/Add.1), noting that indigenous people wanting to enter higher education faced adjustment problems and were often unable to meet minimum requirements set by the Colombian Institute for the Promotion of Higher Education.

[30] See concluding observations of CERD concerning Finland (CERD/C/54/Misc.28/Rev.2), 16 March 1999. See also the concluding observations of CERD concerning Romania (CERD/C/55/Misc.27/Rev.3), 19 August 1999, which noted concern since no improvements had been made to the high unemployment rates and low educational level traditionally predominant among members of the Roma.

[31] See e.g. CERD's concluding observations concerning Italy (CERD/54/Misc.32/Rev.3), 18 March 1999, and the fourteenth report of Finland (CERD/C/320/Add.2).

[32] Save the Children United Kingdom, supra note 12.

[33] See e.g. the periodic report of Norway to CRC (CRC/C/70/Add.2), 12 November 1998, which notes that the development of the Sami people is endangered by a failure to include Sami language and culture in education curricula.

[34] See the initial report of Slovakia to CRC (CRC/C/11/Add.17), 17 August 1998, which notes that many Roma do not speak Roma, owing to the fact that parents do not communicate in Roma as they think that could cause problems for children at school. At the same time, the children cannot speak the language of instruction effectively.

[35] Report of the Working Group on Indigenous Populations, supra note 7, paras. 52 ff.

[36] Black, supra note 4, p. 25.

[37] See e.g. the ninth report of Colombia to CERD (CERD/C/332/Add.1) which noted that educational curricula in Colombian schools were not adapted to Afro-Colombian communities' socio-cultural characteristics. Also, curricula failed to take into account the world view of indigenous peoples or to provide instruction in indigenous mother tongues. Similarly, in relation to Chile, language courses were not offered to immigrants. This meant that first-generation Koreans had less education in the local language which reduced their capacity to integrate into local society. See the fourteenth report of Chile to CERD (CERD/C/337/Add.2).

[38] Basurto, supra note 4, p. 77. Brazil, Colombia, Argentina, Bolivia and Paraguay have all given greater attention in their education policies to cultural and linguistic diversity with particular reference to indigenous cultures.

[39] Ibid., p. 58.

[40] Ibid., p. 63.

[41] Ibid., p. 69. Interestingly, intercultural education can also have negative effects on migrant or minority children. The report cites (p. 65) the experience of a teacher of a class in Italy that included a child from a Pakistani background who tried to introduce an intercultural approach by highlighting Pakistani culture in all aspects of the class. The approach ultimately failed as the child felt he was being put on stage, claiming "I'm sick of being Pakistani. I just want to be a child".

[42] Ibid.

[43] For example in Mexico, CRC in its country analysis (CRC/C/A/MEX/2), 11 June 1999, has noted that although child labour is prohibited by article 173 of the Mexican Constitution, it remains widespread, especially in the agricultural areas of the northern States where there are a large number of migrant workers from other areas of Mexico.

[44] See also Barbados Human Rights Practices, Information from Government Sources, Barbados, 1995, which noted that while the legal minimum age for employment of 16 was generally observed, there were instances of children, especially amongst migrant worker families, assisting in agricultural production during peak season. The Labour Department had a small cadre of labour inspectors who conducted on-the-spot investigations of enterprises to check compliance with the law. The inspectors had the power to take legal action against employers found to be exploiting under-age workers.

[45] See CRC country analysis of Mexico, supra note 43, which noted the trafficking of children across the Mexican/United States border for economic and commercial sexual exploitation. According to the Special Rapporteur on the sale of children, child prostitution and child pornography, Mexico's Minister for Foreign Affairs pointed out that the illegal crossing of children has been recognized as a problem by authorities on both sides of the border. However, sufficient cross-border cooperation has not yet been developed.

[46] Similarly, see the concluding observations of CRC on the report of Mexico (CRC/C/15/Add.13), 7 February 1994, in which the Committee expressed alarm at the large number of children who had been forced, in order to survive, to live and work in the streets. The Committee found that domestic law and its application in practice did not appear to be in conformity with the provisions of the Convention and the ILO Conventions relating to the employment of minors.

[47] See e.g. the fourteenth report of Finland to CERD (CERD/C/320/Add.2) noting that immigrants had difficulties in obtaining and keeping jobs because of their migrant background and discrimination by employers and co-workers. Similarly, in its concluding observations on the report of Peru (CERD/C/304/Add.69), 13 April 1999, CERD noted that jobs and promotions were often influenced by racial criteria, while certain minor jobs were left to persons of indigenous or African origin.

[48] See e.g. the concluding observations of the Committee for the Elimination of Discrimination against Women (CEDAW) on the report of Turkey (A/52/38/Rev.1, paras. 160-206) in which the Committee noted the generally very low minimum age for employment of women which contravened the relevant ILO Conventions. It also noted that a lack of measures to integrate urban migrant female workers into the labour markets, persistent occupational segregation in lower-paid jobs, and the high level of unemployment of these women persisted in impeding their upward mobility and further reinforced discrimination against women, including migrant women, in the labour market.

[49] See e.g. the fourteenth report of Finland to CERD (CERD/C/320/Add.2) which noted that the high unemployment rate among immigrants was aggravated by prejudice on the part of employers against immigrants.

[50] See e.g. the concluding observations of CRC on the report of Kuwait (CRC/C/15/Add.96), 26 October 1998. The Committee was concerned that insufficient measures had been adopted for the development of indicators and the systematic collection of disaggregated data to monitor the impact of policies adopted with respect to children, including the children of minorities and migrant families. The Committee recommended that the State party consider seeking technical assistance from UNICEF in the development of such a system.

[51] Information on best practices was provided to CRC, for example, and noted in its country analysis of Germany (M/CRC/C/AN.Ger/1), 12 June 1995. In Germany, measures adopted to overcome difficulties facing the children of migrant workers include: (a) the establishment of preparatory classes, with both the mother tongue and German as teaching languages; (b) the establishment of remedial classes and intensive courses; (c) the introduction of supporting measures outside school such as homework assistance and play afternoons; (d) the development of suitable teaching material for foreign pupils; (e) the employment of teachers from the country of origin of migrant workers; (f) the provision of further training for German teachers that takes into account the special problems of teaching foreign children.

[52] E/CN.4/1998/77/Add.2.

[53] See concluding observations of CERD on the report of Colombia (CERD/C/55/Misc.43/Add.3), 20 August 1999.

[54] See Barbados Human Rights Practices, supra note 44, which notes that labour inspectors in that country can conduct on-the-spot inspections of enterprises and take legal action against employers found to have under-age workers.

[55] The "principal" human rights instruments to be ratified are: International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of Discrimination against Women, Convention on the Rights of the Child and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[56] The Convention requires 20 signatories before it can come into force. As of 31 January 1999, there were 12 States parties to the Convention

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UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/12
25 February 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the Secretary-General

Contribution of the Committee on the Elimination of Racial Discrimination to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Introduction

1. In paragraph 30 of its resolution 52/111 of 12 December 1997, the General Assembly requested, inter alia, the Committee on the Elimination of Racial Discrimination to assist the preparatory committee for the World Conference, to undertake reviews, to submit recommendations concerning the World Conference and the preparations therefor and to participate actively in the World Conference. In paragraph 51 of its resolution 1998/26, the Commission on Human Rights invited the Committee to contribute to the preparatory process for the World Conference.

2. In paragraph 35 of its resolution 53/132 of 9 December 1998, the General Assembly requested the Committee again to participate actively both in the preparatory process of the World Conference by, inter alia, undertaking reviews and studies and submitting recommendations concerning the World Conference and the preparations therefor, through the

Secretary-General, to the Preparatory Committee, and in the Conference itself. In paragraph 61 of its resolution 1999/78 of 28 April 1999, the Commission on Human Rights invited again inter alia the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

3. The General Assembly at its fifty-fourth session also, in resolution 54/154, requested the Committee to assist the Preparatory Committee and to undertake reviews and submit recommendations concerning the World Conference and the preparations therefore to the Preparatory Committee, through the Secretary-General, and to participate actively in the Conference.

Action taken by the Committee on the Elimination of Racial Discrimination

4. At its fifty-third session, held from 3 to 21 August 1998, the Committee discussed a wide variety of ideas about matters which might feature in the agenda and in the concluding declaration and programme of action of the Conference, and adopted the following decision:

"Decision 9 (53)[1]

"The Committee on the Elimination of Racial Discrimination,

Welcoming General Assembly resolution 52/111, by which the Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, to be held not later than the year 2001,

Noting Commission on Human Rights resolution 1998/26, in which the Commission invited the Committee to give high priority to the preparatory process for the World Conference and to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and in the Conference itself,

1. Welcomes the invitation of the Commission on Human Rights to the Committee, as contained in Commission resolution 1998/26, paragraph 51;

2. Reiterates its readiness to participate in the entire preparatory process for the World Conference and in the Conference itself;

3. Indicates that it has commenced considering suggestions for the agenda of the World Conference and ideas the World Conference may take into consideration in any declaration and programme of action which it may decide to adopt;

4. Is of the view that the agenda could include the following topics: current realities in the aftermath of slavery and colonialism; impact of economic globalization and racial equality; treatment of migrants, refugees, asylum-seekers and displaced persons; prevention of racial discrimination, including early warning and urgent procedures; prevention of racial discrimination through education; remedies, redress

mechanisms and reparations for racial discrimination; international mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development; combating hate speech and promoting tolerance in the digital age; the implications of multiple identities (race, colour, descent, national or ethnic origin, gender);

5. Emphasizes that these suggestions need further elaboration and that this will be done by the Committee with the view to presenting a document at its session in March 1999."

5. At its fifty-fifth session, held from 2 to 27 August 1999, the Committee continued to discuss its contribution to the preparatory process of the World Conference and adopted, on 26 August 1999, the following decision:

"Decision 5 (55) on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance[2]

"The Committee on the Elimination of Racial Discrimination,

1. Recalls its decision 9 (53) of 21 August 1998;

2. Proposes to the Preparatory Committee that it include in the agenda of the World Conference consideration of the problem of how the international community may prevent or mitigate mass and flagrant violations of the human rights of persons belonging to ethnic and racial groups and minorities, bearing in mind that in recent years the failure of the international community to urgently and adequately respond to numerous conflicts around the world has resulted in genocide, ethnic cleansing, the mass movement of refugees and displaced persons, and the disruption of regional peace and security by armed groups able to commit atrocities with impunity;

3. Decides that, to meet the needs of the Preparatory Committee and the World Conference, it will, with the assistance of the Office of the High Commissioner, prepare materials that, so far as possible, include:

(a) A reference document containing the Committee's decisions of substance, including those taken under the early warning and urgent procedures, as well as its latest concluding observations on each State party;

(b) Information about States parties which have amended their constitutions, legislation, judicial and administrative practices, or which have introduced special legislation with a view to implementing the Convention;

(c) A list of States parties which have made a declaration under article 14 of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals and groups of individuals;

(d) A list of States parties which, upon ratification or accession to the International Convention on the Elimination of All Forms of Racial Discrimination, have made reservations, and the text of such reservations;

4. Decides that, with the assistance of the Office of the High Commissioner, it will make an assessment of the best practices of States parties in combating racial discrimination, based on States parties' reports, the Committee's own practice and information received by the High Commissioner in response to the questionnaire transmitted to States Members of the United Nations pursuant to resolution 1999/78 adopted by the Commission on Human Rights on 28 April 1999. Such an assessment should be made available to the Preparatory Committee for its meeting in May 2000, and also to the World Conference itself;

5. Welcomes the studies prepared by individual members of the Committee for the Preparatory Committee and the World Conference itself, as listed in the annex to this resolution;

6. Suggests that an eventual plan of action for the World Conference may deal with such issues as:

(a) Processes of racial reconciliation;

(b) Racial discrimination against indigenous populations;

(c) All human beings are born free and equal in dignity and rights;

(d) Racism, racial discrimination, xenophobia and related intolerance, challenge to peace, human rights, including the right to life, human dignity, stability and the rule of law;

(e) Incitement to racial hatred as a punishable offence;

(f) Effective measures to protect all persons against racial discrimination in both public and private sectors, and remedies and reparations for victims;

(g) Educational measures for all segments of the population in the spirit of the elimination of all forms of racial discrimination and intolerance;

(h) National commissions on human rights in the light of the Committee's General Recommendation XVII;

7. Welcomes the continued and constructive cooperation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling the holding of two joint meetings in 1993 and 1995, joint meetings of the bureaux of the two organs, the preparation of a joint working paper on article 7 of the Convention (E/CN.4/Sub.2/1998/4), and the Sub-Commission's readiness to follow up on the suggestion by the Committee which resulted in preparing studies on the rights of

non-citizens (E/CN.4/Sub.2/1997/7), on globalization in the context of the increase of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8), and on the concept and practice of affirmative action;

8. Decides to establish and maintain contact, as appropriate, through the Office of the United Nations High Commissioner for Human Rights, with the regional mechanisms which shall be convened to make their contributions to the preparation of the World Conference."

6. The Committee annexed to its decision 5 (55) the documents listed below, prepared by some of its members. They had been submitted to the sessional open-ended working group of the Commission on Human Rights (convened during the fifty-fifth session of the Commission to review and formulate proposals for the World Conference (see E/CN.4/1999/16, para. 7) and are also being submitted to the Preparatory Committee:

M. Banton, "The causes of, and remedies for, racial discrimination" (E/CN.4/1999/WG.1/BP.6) (English only);

T. van Boven, "United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives" (E/CN.4/1999/WG.1/BP.7) (English only);

S. Sadiq Ali, "Zimbabwe and South Africa: the lessons we can learn" (E/CN.4/1999/WG.1/BP.8) (English only);

A. Shahi, L. Valencia Rodriguez and I. Garvalov, "Preventing genocide" (E/CN.4/1999/WG.1/BP.9) (English only);

I. Diaconu, "The definitions of racial discrimination" (E/CN.4/1999/WG.1/BP.10) (English only);

R. de Gouttes, "De l'utilité de l'application complémentaire des procédures de plaintes individuelles devant les organes universels et régionaux de protection des droits de l'homme: l'exemple des plaintes de la discrimination raciale et devant la Cour européenne des droits de l'homme" (E/CN.4/1999/WG.1/BP.11) (French only).

7. The following documents are also being submitted to the Preparatory Committee: a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4), prepared by two members of the Committee and two members of the Sub-Commission, J. Bengoa, I. Garvalov, M. Mehedi and S. Sadiq Ali; and two unofficial documents: "Reservations to the International Convention on the Elimination of All Forms of Racial Discrimination: the role of the Committee on the Elimination of Racial Discrimination", by I. Diaconu and Y. Rechetov (CERD/C/53/Misc.23); and "An analysis of the gender implications of racial discrimination", by G. McDougall (CERD/C/56/Misc.20)[3].

8. The Committee intends to submit to the second session of the Preparatory Committee, to be held in 2001, a further contribution to the work of the World Conference, in accordance with paragraphs 3 and 4 of its decision 5 (55).

Notes

[1] A/53/18, chpater VIII.

[2] A/54/18, chapter VIII.

[3] All the above-mentioned documents prepared by Committee members express the individual views of the authors and have not been approved by and do not necessarily reflect the views of the Committee.
